



NEW YORK STATE SENATOR

Charles J. Fuschillo Jr.

Senator Fuschillo: Senate Approves Stronger Penalties for Hit & Run Drivers

CHARLES J. FUSCHILLO JR. February 11, 2013

| ISSUE: **CRIME**

Senator Charles J. Fuschillo, Jr. (R-Merrick) announced that the New York State Senate has passed legislation he is sponsoring to raise penalties for drivers who leave the scene of an accident which causes injury or death.

Under current law, drivers who leave the scene of an accident and are caught later on often face lesser penalties than they would if they were caught at the scene, especially if they were driving under the influence. As an example, a driver who leaves the scene of an accident which involved serious physical injury faces a class “E” felony charge, which carries a penalty of up to four years in jail. However, had the driver stayed at the scene of the accident, they could face a class “D” felony, which carries a penalty of up to seven years in jail. This disparity encourages drivers to flee from the accident scene rather than stay and get help for their victim.

“Hitting someone with a car, fleeing the scene, and leaving the victim injured or dying on the road is one of the most callous acts imaginable. Hit and run drivers should not face a lesser penalty for leaving the scene of a crash; they should be held accountable for their heartless actions. We need stronger laws to ensure that hit and run drivers are not treated more leniently for leaving the scene. That’s exactly what this legislation would do, and I urge the Assembly to join the Senate in passing it, said Senator Fuschillo, Chairman of the Senate’s Transportation Committee.

The legislation (S2503), which Senator Fuschillo is sponsoring with Senator Martin Golden, would raise the penalties for hit and run crimes so that they are commensurate with charges faced by a drunk driver who causes physical injury or death and remains at the scene of the accident. Under the legislation:

- Drivers who leave the scene of a fatal accident would face class “C” felony charges, punishable by up to 15 years in prison.
- Drivers who leave the scene of an accident which involved serious injury would face class “D” felony charges, punishable by up to seven years in prison.
- Drivers who leave the scene of an accident which involved property damage would face class “E” felony charges punishable by up to four years in prison.

There have been several recent cases of hit and run drivers receiving light sentences for their crimes, most notably the tragic hit and run death of Erika Hughes, a 24-year-old Mastic resident and mother of a 15-month-old girl. Ms. Hughes was struck and killed on July 29, 2011 while walking along a Mastic Beach road. The driver of the car fled the scene and was not arrested until the following April. The driver ultimately pled guilty and received a sentence of only 1 1/3 to 4 years in prison.

Suffolk County District Attorney Thomas J. Spota, who strongly supports tougher penalties for hit and run drivers, said “Senator Fuschillo's bill is precisely what prosecutors and police need to appropriately charge drivers who leave the scene of an accident. I urge the Assembly to approve this bill.” The legislation has been sent to the Assembly for consideration.