



NEW YORK STATE SENATOR

Dean G. Skelos

## Senate Passes “Tiffany’s Law”

DEAN G. SKELOS February 11, 2013

### *Bill Links Convictions for Operating Different Vehicles While Intoxicated*

The New York State Senate today passed “Tiffany’s Law”, sponsored by Senator John A. DeFrancisco (R-C-I, Syracuse). The bill ([S.1790](#)) would require all prior convictions of operating a vehicle while intoxicated, whether it be an automobile (DWI), snowmobile (SWI), or all-terrain vehicle, to be considered during sentencing of a subsequent Boating While Intoxicated (BWI) conviction. In turn, any person convicted of BWI would have that charge considered during any subsequent DWI, SWI or ATV offense.

The legislation is named after Tiffany Heitkamp, a young Syracuse-area woman who was killed in 2006 while riding in a boat being operated by an intoxicated driver. The driver of the boat had a record of alcohol-related automobile incidents, but because there is no link between DWIs, BWIs, and SWIs, he could only be charged as if it was his first offense.

“Several cases have occurred where a BWI offense has been committed by an individual who has also committed a DWI offense. Tiffany Heitkamp was one of these cases,” said Senator DeFrancisco. “Tiffany lost her life because the operator of the boat in which she was a passenger was intoxicated. The boat operator had a record of alcohol-related driving convictions, but he was only charged as a first-time offender.”

“If an individual has a history of operating any kind of vehicle or vessel while under the influence of alcohol or drugs, it should be taken into account when the individual is charged and sentenced. Operating a car, snowmobile, ATV or boat while drunk are all reckless behaviors, which can have serious consequences. Providing a link between these offenses would hold violators accountable for a history of irresponsible behavior while operating a powerful and potentially deadly vehicle. The Senate has passed this bill repeatedly for several years. It’s time for the Assembly to bring this important bill to the floor and pass it this year,” concluded Senator DeFrancisco.

“When a person makes the irresponsible decision to operate any kind of vehicle while drunk, they are risking the lives of everyone around them,” said Senate Republican Leader Dean G. Skelos. “And if someone has done this repeatedly, regardless of the vehicle used, all charges should be considered so that a more appropriate penalty can be issued.”

Under current law, repeat DWI, BWI, or SWI offenders are subject to increased penalties, including license revocation, fines, and incarceration. However, because there is no current link between these offenses, it is possible to be convicted in separate cases of DWI, BWI, SWI,

or operating an ATV while intoxicated and be treated as a first time offender in each instance.

The bill has been sent to the Assembly.

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