



NEW YORK STATE SENATOR

Kenneth P. LaValle

## Bill Increases Penalties For Leaving the Scene of Auto Accident

KENNETH P. LAVALLE March 25, 2013

A bill co-sponsored by New York State Senator Ken LaValle (R-C-I, Port Jefferson) that would increase the penalties for leaving the scene of a hit-and-run accident (S.2503) was passed by the New York State Senate.

The bill was introduced in the wake of the tragic hit and run death of Erika Hughes, a 24-year-old Mastic resident and mother of a 15-month-old girl. The driver who hit and killed Hughes only received a sentence of 1 1/3 to 4 years in prison.

"I have heard and read about too many instances in which individuals have been killed by hit-and-run drivers and it is later determined that the driver was intoxicated," Senator LaValle said. "This bill, rightfully, closes loopholes in the current law."

Among other provisions, this legislation changes a fatal hit and run from a Class D Felony to a Class C Felony and increases prison time to a maximum of 15 years in state prison. Under this bill, the punishment for other types of hit and run offenses will also be upgraded.

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### Current Law

Drivers under the influence of drugs or alcohol can receive a lesser punishment if they flee the scene of an accident. For example, in the case of a first-time offender, a driver who wrongfully flees the scene of an accident where a personal injury has occurred can only be charged with a Class A Misdemeanor which carries a maximum penalty of only up to 1 year

in jail. However, if the driver remains at the scene and is found to be intoxicated or impaired by drugs, he can be immediately charged with a Class E felony carrying a maximum penalty of four years.