



NEW YORK STATE SENATOR

Charles J. Fuschillo Jr.

Senate Passes Senator Fuschillo's Legislation Giving Law Enforcement Stronger Tools to Take Drugged Drivers Off the Road

CHARLES J. FUSCHILLO JR. June 6, 2013

| ISSUE: **DRUGS**

Senator Charles J. Fuschillo, Jr. (R-Merrick) announced that the New York State Senate recently passed legislation he sponsored to enhance law enforcement's ability to remove drugged drivers from the road.

"Drugged drivers are just as dangerous and deadly as drunk drivers, but current law does not enable law enforcement to deal with these threats equally. That must change. Giving police officers stronger tools to take drugged drivers off the road will save lives, prevent tragedies, and make our roadways safer for everyone," said Senator Fuschillo, Chairman of the Senate's Transportation Committee.

Under current law, police officers can order a driver to submit to a roadside breath test as a way to establish reasonable cause that the driver was intoxicated by alcohol. Until recently, however, there was no equivalent test to determine if a driver was under the influence of drugs. Now, advancements in the development of "saliva sticks" will allow police officers to quickly determine, through a non-intrusive mouth swab, whether there is probable cause to believe that an apparently impaired driver was under the influence of drugs. The legislation (S5345) would make the saliva swab test run parallel to the preliminary breath test as an accepted field sobriety test. This would help police officers establish whether there is reasonable cause to believe that the driver was high on drugs.

The legislation also provides law enforcement new tools to hold drugged drivers accountable when they are involved in crashes resulting in death or serious injury. Currently, when police suspect that a person is intoxicated, they can petition a judge for a court order for the immediate withdrawal of blood. Until now, detection of drugged driving in a manner that would allow for a timely blood test was virtually impossible to achieve. Now, thanks to advanced training and certification in drug recognition by select police officers, many of these drivers can be held to answer for their crimes. This legislation provides that reasonable cause for a court-ordered blood test can be established by the sworn testimony of police

certified as Drug Recognition Experts as well as by the evidence from a saliva swab.

"Over the past few years we have seen more and more cases of drugged driving -- ranging from the misuse of prescription drugs and pain killers to the standard illegal drugs, such as cocaine and heroin, to the new boutique and synthetic drugs," said Christina Hale, Chair of the NYS STOP-DWI Association and Orange County STOP-DWI Coordinator. "Recently, advancements in police training and medical devices, such as the saliva swab, have improved our recognition of drugged driving -- but the laws that were established predominantly to address intoxicated driving -- have not kept up. Senator Fuschillo's bill significantly levels the playing field and will go a long way toward holding people accountable for their selfish and dangerous actions. We thank the Senate for its passage of this bill."

"The violence and destruction caused by drugged driving is no different than that caused by drunk driving, so it's essential that police and prosecutors have every possible tool at their disposal to combat these crimes," said Nassau County District Attorney Kathleen Rice. "This legislation is a great step forward in the fight against drugged driving, and I applaud the Senate for this vote."