



NEW YORK STATE SENATOR

Charles J. Fuschillo Jr.

Senator Fuschillo: Stronger Penalties for Reckless Drivers Who Kill and Injure Others Passed by Senate

CHARLES J. FUSCHILLO JR. June 11, 2013

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Legislation creates stronger penalties for reckless drivers who kill or injure others in violation of New York's "Move Over Law"

Senator Charles J. Fuschillo, Jr. (R-Merrick) announced that the New York State Senate passed legislation he sponsored to increase penalties for reckless drivers who kill or injure others as a result of violating New York State's "move over law."

New York State's "move over law" requires drivers approaching stopped police, emergency or hazard vehicles with their lights flashing to move over at least one lane away from that vehicle if traffic conditions allow. Violators face a fine between \$250 and \$400 and/or up to 30 days imprisonment, as well as two penalty points on their driver's license. However, there are no enhanced penalties if a driver causes death or serious physical injury as a result of violating the law. As a result, some reckless drivers are able to get away with killing or injuring someone without serving time in jail.

Nassau County Police Officer Michael Califano was killed in February 2011 while performing a traffic stop on the side of the Long Island Expressway. Despite that fact the Officer Califano's cruiser was stopped on the shoulder with its lights flashing, his car was struck from behind by a truck driven by John Kaley. Though he was responsible for Officer

Califano's death, Mr. Kaley pled guilty to reckless driving, which is an unclassified misdemeanor, and will not spend any time in jail. Current state law does not allow for a driver to face felony charges under these circumstances.

"No reckless driver should be able to kill or injure someone, avoid jail, and escape with just a slap on the wrist. Officer Califano's tragic death is the prime example as to why our laws need to be strengthened. Including felony charges in New York's move over will give drivers another incentive to follow the law and ensure that reckless drivers who break the law and kill or injure others are held accountable," said Senator Fuschillo, Chairman of the Senate's Transportation Committee.

Under Senator Fuschillo's legislation (S5507A), drivers who operate a motor vehicles recklessly while approaching stopped police, emergency or hazard vehicles and causes the death of another person would be guilty of a class D felony, punishable by up to seven years in prison. drivers who operate a motor vehicles recklessly while approaching stopped police, emergency or hazard vehicles and causes serious injury to another person would be guilty of a class E felony, punishable by up to four years in prison.

"Officer Califano's death was a tragic reminder of the dangers that law enforcement officers and first responders face on our roads every day," said Nassau County District Attorney Kathleen Rice. "While the 'move over law' was passed to protect those pulled to the side of the road, strengthening that law and increasing penalties will serve as an even greater deterrent for reckless drivers. I want to thank the Senate for their continued leadership on this important issue."

"The Nassau County PBA strongly supports this legislation and thanks Senator Fuschillo for addressing this important aspect of the move over act. The initial law has made motorists in New York State keenly aware of the dangers involved with a traffic stops and investigations. Along with our brother, Officer Michael Califano, New York State has lost

several police officers over the years, while conducting traffic stops and roadside investigations. It is time that we address those dangerous drivers who violate the “Move Over Act” in a reckless manner, which results in serious physical injuries or causes the death of a police officer. We must act now to educate and prevent any more tragedies,” said James Carver, President of the Nassau County Police Benevolent Association.