



NEW YORK STATE SENATOR

Jack M. Martins

## Senator Martins: Stronger Penalties for Hit & Run Drivers Passed by Senate

JACK M. MARTINS May 13, 2014

| ISSUE: **CRIME**

Senator Jack M. Martins (R-7th Senate District) announced that the New York State Senate has passed legislation to raise penalties for drivers who leave the scene of an accident which causes injury or death. Senator Martins is a sponsor of the legislation.

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.

“Leaving someone injured or dying on the side of the road after hitting them with a car is totally heartless and unimaginably cruel. Allowing them to face a more lenient penalty for fleeing the scene of a crash, which the current law does, is absolutely ludicrous. This legislation would ensure that hit and drivers face stronger penalties, not weaker ones, for their callous actions,” said Senator Martins.

The legislation (S2503) 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. Repeat offenders would face a class “D” felony charges punishable by up to seven 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.

The legislation has been sent to the Assembly for consideration.