



NEW YORK STATE SENATOR

Hugh T. Farley

Sen. Farley Reports Senate Passes Bills to Strengthen Laws for Reckless and Irresponsible Driving

HUGH T. FARLEY May 14, 2015

| ISSUE: **DRUNK DRIVING**



State Senator Hugh T. Farley (R, C, I – Schenectady) announced that he and his colleagues in the New York State Senate recently passed four measures that would keep our roads safe by holding drivers accountable for reckless and irresponsible actions. The legislation would increase or create new penalties for repeat DWI offenders, those who drive at high speeds, and individuals who cause a death while driving without a valid license.

A bill ([S4220](#)) would require mandatory jail sentences for repeat DWI offenders. Current law does not require drivers previously convicted of a DWI to spend any time in jail. Individuals convicted of two or more DWI offenses within a five or 10 year period face jail time or a fine.

However, since jail time is not mandatory, judges have the discretion to sentence these offenders to only a fine or a fine and community service.

Under the proposed measure, drunk drivers would be required to serve a minimum of 30 days in jail for their second DWI conviction in 10 years, and a minimum of 90 days in jail if they are convicted of three or more DWI offenses within 10 years. In addition, drivers convicted of their second aggravated DWI in 10 years would face a mandatory 180-day sentence, and drivers convicted of three or more aggravated DWIs would be sentenced to jail for a minimum of one year. These sentences would be in addition to any other penalties imposed by the courts.

The Senate also passed legislation to strengthen penalties against unlicensed drivers involved in car accidents resulting in someone's death. The bill ([S1600](#)) would give prosecutors broader discretion to seek a prison term by making it a class E felony to negligently cause the death of another person while operating a vehicle with a suspended or revoked license.

In addition, the Senate passed legislation ([S3732](#)) to reduce high-speed vehicle fatalities in New York. Under "Michelle and Jordan's Law," a second conviction for engaging in an unlawful speed contest or race within 12 months would result in a class E felony, punishable by up to one year in prison. The bill is named after five-year-old Jordan McLean and 17-year-old Michelle Arout, both of whom were killed in a car accident while racing at high speed.

The Senate also approved a measure ([S2976](#)) to close a legal loophole that lets intoxicated supervising drivers escape punishment. "Abigail's Law" increases the penalties against individuals who are under the influence of drugs or alcohol while also supervising drivers with junior licenses or learner's permits. Abigail Buzard was tragically killed in a car accident when a teenager with a learner's permit was operating the vehicle under the

supervision of Abigail's intoxicated father.

The bills have been sent to the Assembly.