



NEW YORK STATE SENATOR

Michael Gianaris

SEN. GIANARIS CALLS ON LEGISLATURE TO ENACT HIS BILL INCREASING PENALTIES FOR KILLING OR INJURING WHILE DRIVING WITHOUT A VALID LICENSE AFTER FATAL CRASH INVOLVING RIDGEWOOD TEEN

MICHAEL GIANARIS January 31, 2018

| ISSUE: **CLASS D FELONY, TRANSPORTATION**

ASTORIA, N.Y. – In the wake of a fatal crash that killed 13-year old Ridgewood boy Kevin Flores, Senator Michael Gianaris called on his colleagues to pass his [bill](#) that would increase the penalty when a driver kills or seriously injures someone while driving with a suspended or invalid license. Kevin Flores was killed while riding his bicycle after being struck by Philip Monfoletto of Deer Park, who did not have a valid license to drive the truck.

“This accident is yet another avoidable tragedy caused by a driver who should not have been behind the wheel to begin with,” said **Sen. Michael Gianaris**. “Too many lives have been lost at the hands of drivers whose licenses are suspended or otherwise invalid because the punishment does not match the crime.”

Currently, the most severe penalty a District Attorney can seek in such instances is a misdemeanor. Even with aggravating circumstances, the most severe offense is a class E felony, punishable by up to four years in prison. Rarely are convicted drivers sentenced to any jail time at all and are free to commit additional offenses. The perpetrator in this case

was arrested multiple times in the past for the same offense and was still driving improperly.

Senator Gianaris' legislation would increase the penalty to a class E felony for seriously injuring a person and a class D felony if the accident resulted in a death. The Senator's bill, [S. 3299](#), was introduced after 8-year old Noshat Nahian was killed by an unlicensed driver while walking to school on Northern Boulevard in December 2013. The driver in that case was operating with a suspended license. There have since been multiple additional deaths at the hands of improper drivers in western Queens alone.

RELATED LEGISLATION

2017-S3299

- Introduced

- - In Committee Assembly
 - In Committee Senate

- - On Floor Calendar Assembly
 - On Floor Calendar Senate

- - Passed Assembly
 - Passed Senate

- Delivered to Governor

- Signed By Governor

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Includes in the class E felony of vehicular assault in the second degree, the causing of serious physical injury while operating a vehicle with suspended, revoked or no license

January 20, 2017

In Assembly Committee

Sponsored by **Michael Gianaris**

Do you support this bill?