



NEW YORK STATE SENATOR

David Carlucci

New York State Senate Passes Senator Carlucci's 'Bryan Johnson's Law'

SEN. DAVID CARLUCCI March 20, 2018

| ISSUE: **BRYAN JOHNSON'S LAW**



Albany, NY - The New York State Senate on Monday unanimously passed Bryan Johnson's Law, sponsored by Senator David Carlucci (D-Rockland/Westchester), which would allow judges consider prior Boating While Intoxicated (BWI) offenses when sentencing a person for Driving While Intoxicated (DWI).

The bill was named for Bryan Johnson, a 26-year-old from Ossining, who passed away in June of 2012. Johnson drowned in the waters off City Island in a boating prank gone wrong.

Under the current law, Sen. Carlucci said judges do not have to consider BWI's when sentencing a person found guilty of a DWI offense.

"A loophole in our state's law allows someone who has received one or more BWI's to be sentenced as a first time offender for a DWI, and this shouldn't be the case," said Sen. Carlucci.

Senator Carlucci's bill would require a judge to consider prior BWI convictions from the past 25 years during a DWI sentencing.

"It doesn't matter what vehicle you are driving, if it's a boat or if it's a car. The judge is looking at that pattern. We need to add some common sense to our legislation to make sure we are sending a message that when you get on a boat you do not leave your common sense ashore," said Sen. Carlucci.

Sen. Carlucci added penalties for repeat BWI and DWI offenders are much more serious than for first time offenders. They can include increased fines, a license being revoked or even jail time.

Sen. Carlucci and Assemblymember Sandy Galef (D-Westchester/Putnam), worked with Johnson's mother and grandmother following Bryan's death in an effort to improve boating safety.

The bill is sponsored in the Assembly (A8582-A) by Assemblymember Galef.

"I am glad to see that Bryan Johnson's law has passed in the Senate, and that the State is one step closer to protecting our residents from reckless boating," said Assemblymember Galef.

In order to be sure that our waterways and roadways are safe, we need to connect violations by operators of intoxicated vehicles and vessels. I hope to see my colleagues in the Assembly pass this legislation as well as getting the support of the Governor to make this summer safer on the water.”