S T A T E O F N E W Y O R K

6525

2009-2010 Regular Sessions

I N A S S E M B L Y

March 6, 2009

Introduced by M. of A. GIGLIO, ERRIGO, TOWNSEND, BALL -- Multi-Sponsored by -- M. of A. McDONOUGH -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to mandatory imprisonment for driving while intoxicated and mandatory license revocations for repeat offenders

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Paragraph (b) of subdivision 1 of section 1193 of the vehicle and traffic law, as amended by chapter 669 of the laws of 2007, is amended to read as follows:

(b) Driving while intoxicated or while ability impaired by drugs or while ability impaired by the combined influence of drugs or of alcohol and any drug or drugs; aggravated driving while intoxicated; misdemeanor offenses. A violation of subdivision two, three, four or four-a of section eleven hundred ninety-two of this article shall be a misdemeanor and shall be punishable by a fine of not less than five hundred dollars nor more than one thousand dollars, [or] AND by imprisonment in a penitentiary or county jail for [not more than one year, or by both such fine and imprisonment] TWO CONSECUTIVE WEEKENDS, BEGINNING AT SIX O'CLOCK IN THE AFTERNOON ON FRIDAY AND ENDING AT SIX O'CLOCK IN THE AFTERNOON ON SUNDAY. A violation of subdivision two-a of section eleven hundred ninety-two of this article shall be a misdemeanor and shall be punishable by a fine of not less than one thousand dollars nor more than two thousand five hundred dollars or by imprisonment in a penitentiary or county jail for not more than one year, or by both such fine and imprisonment. In addition to the imposition of any fine or period of imprisonment set forth in this paragraph, the court shall require that any person who has been convicted of a violation of subdivision two-a of section eleven hundred ninety-two of this article and who is sentenced to a period of probation, to install and maintain, as a condition of

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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such probation and in accordance with section eleven hundred ninety-eight of this article, a functioning ignition interlock device in any vehicle owned or operated by the person during the term of such probation; provided, however, the court may not authorize the operation of a motor vehicle by any person whose license or privilege to operate a motor vehicle has been revoked pursuant to the provisions of this section.

S 2. Paragraph (b) of subdivision 2 of section 1193 of the vehicle and traffic law is amended by adding two new subparagraphs 3-a and 3-b to read as follows:

(3-A) THIRD TIME VIOLATORS. FIVE YEARS, WHERE THE HOLDER IS CONVICTED OF A VIOLATION OF SUBDIVISION TWO, THREE OR FOUR OF SECTION ELEVEN HUNDRED NINETY-TWO OF THIS ARTICLE AND HAS PREVIOUSLY BEEN CONVICTED OF TWO OR MORE SEPARATE VIOLATIONS OF SUBDIVISION TWO, THREE OR FOUR OF SECTION ELEVEN HUNDRED NINETY-TWO OF THIS ARTICLE WITHIN THE PREVIOUS TEN YEARS.

(3-B) FOURTH TIME VIOLATORS. PERMANENT, WHERE THE HOLDER IS CONVICTED OF A VIOLATION OF SUBDIVISION TWO, THREE OR FOUR OF SECTION ELEVEN HUNDRED NINETY-TWO OF THIS ARTICLE AND HAS PREVIOUSLY BEEN CONVICTED OF THREE OR MORE SEPARATE VIOLATIONS OF SUBDIVISION TWO, THREE OR FOUR OF SECTION ELEVEN HUNDRED NINETY-TWO OF THIS ARTICLE WITHIN THE PREVIOUS TEN YEARS.

S 3. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.