

6979

2009-2010 Regular Sessions

I N A S S E M B L Y

March 18, 2009

Introduced by M. of A. SALADINO -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to increasing the period of license suspension for certain DWI offenses and requiring attendance at an alcohol and drug rehabilitation program

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

1 Section 1. Subparagraphs 2 and 3 of paragraph (b) of subdivision 2 of
2 section 1193 of the vehicle and traffic law, as amended by chapter 732
3 of the laws of 2006, are amended to read as follows:
4 (2) Driving while intoxicated or while ability impaired by drugs or
5 while ability impaired by the combined influence of drugs or of alcohol
6 and any drug or drugs; aggravated driving while intoxicated. [Six
7 months] (A) ONE YEAR, where the holder is convicted of a violation of
8 subdivision two, TWO-A, three, four or four-a of section eleven hundred
9 ninety-two of this article.
10 (B) One year AND SIX MONTHS, where the holder is convicted of a
11 violation of subdivision TWO, two-a, THREE, FOUR OR FOUR-A of section
12 eleven hundred ninety-two of this article AND A CHILD OF LESS THAN THIR-
13 TEEN YEARS OF AGE WAS A PASSENGER OF THE VEHICLE AT THE TIME OF SUCH
14 OFFENSE.
15 (3) Driving while intoxicated or while ability impaired by drugs or
16 while ability impaired by the combined influence of drugs or of alcohol
17 and any drug or drugs; aggravated driving while intoxicated; prior
18 offense. [One year] (A) TWO YEARS, where the holder is convicted of a
19 violation of subdivision two, TWO-A, three, four or four-a of section
20 eleven hundred ninety-two of this article committed within ten years of
21 a conviction for a violation of subdivision two, TWO-A, three, four or
22 four-a of section eleven hundred ninety-two of this article.
23 [Eighteen months] (B) TWO YEARS AND SIX MONTHS, where the holder is
24 convicted of a violation of subdivision TWO, two-a, THREE, FOUR OR

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

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1 FOUR-A of section eleven hundred ninety-two of this article committed
2 within ten years of a conviction for a violation of subdivision two,
3 two-a, three, four or four-a of section eleven hundred ninety-two of
4 this article[; or where the holder is convicted of a violation of subdivi-
5 sion two, three, four or four-a of section eleven hundred ninety-two
6 of this article committed within ten years of a conviction for a
7 violation of subdivision two-a of section eleven hundred ninety-two of
8 this article] AND A CHILD OF LESS THAN THIRTEEN YEARS OF AGE WAS A
9 PASSENGER OF THE VEHICLE AT THE TIME OF SUCH OFFENSE.

10 S 2. Subdivision 4 of section 1196 of the vehicle and traffic law, as
11 amended by chapter 196 of the laws of 1996, is amended to read as
12 follows:

13 4. Eligibility. Participation in the program shall be [limited to]
14 MANDATORY FOR those persons convicted of alcohol or drug-related traffic
15 offenses [or persons who], have been adjudicated youthful offenders for
16 alcohol or drug-related traffic offenses [,] or persons found to have
17 been operating a motor vehicle after having consumed alcohol, DRUGS OR
18 ALCOHOL AND DRUGS in violation of section eleven hundred ninety-two-a of
19 this article[, who choose to participate and who satisfy the criteria
20 and meet the requirements for participation as established by this
21 section and the regulations promulgated thereunder; provided, however,
22 in the exercise of discretion, the judge imposing sentence may prohibit
23 the defendant from enrolling in such program. The commissioner or deputy
24 may exercise discretion, to reject any person from participation
25 referred to such program and nothing herein contained shall be construed
26 as creating a right to be included in any course or program established
27 under this section. In addition, no person shall be permitted to take
28 part in such program if, during the five years immediately preceding
29 commission of an alcohol or drug-related traffic offense or a finding of
30 a violation of section eleven hundred ninety-two-a of this article, such
31 person has participated in a program established pursuant to this arti-
32 cle or been convicted of a violation of any subdivision of section elev-
33 en hundred ninety-two of this article other than a violation committed
34 prior to November first, nineteen hundred eighty-eight, for which such
35 person did not participate in such program. In the exercise of
36 discretion, the commissioner or a deputy shall have the right to expel
37 any participant from the program who fails to satisfy the requirements
38 for participation in such program or who fails to satisfactorily partic-
39 ipate in or attend any aspect of such program]. Notwithstanding any
40 contrary provisions of this chapter, satisfactory participation in and
41 completion of a course in such program shall result in the termination
42 of any sentence of imprisonment that may have been imposed by reason of
43 a conviction therefor; provided, however, that nothing contained in this
44 section shall delay the commencement of such sentence.

45 S 3. This act shall take effect on the first of November next succeed-
46 ing the date on which it shall have become a law.