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

2767

2011-2012 Regular Sessions

I N A S S E M B L Y

January 20, 2011

Introduced by M. of A. CALHOUN, HAWLEY, JAFFEE -- Multi-Sponsored by -- M. of A. CASTRO, CONTE, CROUCH, THIELE -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to additional penalties for certain drunk driving convictions

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

Section 1. Subdivision 1 of section 1193 of the vehicle and traffic law is amended by adding a new paragraph (h) to read as follows:

(H) DRIVING WHILE ABILITY IMPAIRED OR DRIVING WHILE INTOXICATED WITH A PERSON WITH DEVELOPMENTAL DISABILITIES. A PERSON CONVICTED OF A VIOLATION OF SUBDIVISION ONE, TWO, TWO-A, THREE, FOUR OR FOUR-A OF SECTION ELEVEN HUNDRED NINETY-TWO OF THIS ARTICLE, WHERE A PERSON WITH DEVELOPMENTAL DISABILITIES WAS A PASSENGER IN THE VEHICLE BEING OPERATED, SHALL BE SUBJECT TO THE FOLLOWING PENALTIES IN ADDITION TO THE CURRENT PENALTIES:

(1) FOR A FIRST SUCH OFFENSE, AN ADDITIONAL FINE OF NOT LESS THAN TWO HUNDRED FIFTY DOLLARS NOR MORE THAN FIVE HUNDRED DOLLARS OR AN ADDITIONAL FORTY-EIGHT CONSECUTIVE HOURS OF IMPRISONMENT, OR BY BOTH SUCH ADDITIONAL FINE AND IMPRISONMENT;

(2) FOR A SECOND SUCH OFFENSE, AN ADDITIONAL FINE OF NOT LESS THAN FIVE HUNDRED DOLLARS NOR MORE THAN ONE THOUSAND DOLLARS OR AN ADDITIONAL TEN DAYS OF IMPRISONMENT, OR BY BOTH SUCH ADDITIONAL FINE AND IMPRISONMENT;

(3) FOR ANY SUBSEQUENT OFFENSE, AN ADDITIONAL FINE OF NOT LESS THAN ONE THOUSAND DOLLARS NOR MORE THAN FIVE THOUSAND DOLLARS OR AN ADDITIONAL TERM OF IMPRISONMENT OF NOT LESS THAN THIRTY DAYS NOR MORE THAN NINETY DAYS, OR BY BOTH SUCH ADDITIONAL FINE AND IMPRISONMENT.

S 2. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.

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

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