

8420

2011-2012 Regular Sessions

I N A S S E M B L Y

June 15, 2011

Introduced by M. of A. SALADINO, N. RIVERA, MALLIOTAKIS, McKEVITT,
CURRAN -- Multi-Sponsored by -- M. of A. CROUCH, McDONOUGH, RA, THIELE
-- 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 requir-
ing attendance at an alcohol and drug rehabilitation program

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-
BLY, 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, three, four or four-a OR PARAGRAPH (A) OF SUBDIVISION
9 TWO-A of section eleven hundred ninety-two of this article.
10 (B) One year AND SIX MONTHS, where the holder is convicted of a
11 violation OF PARAGRAPH (B) of subdivision two-a of section eleven
12 hundred ninety-two of this article.
13 (3) Driving while intoxicated or while ability impaired by drugs or
14 while ability impaired by the combined influence of drugs or of alcohol
15 and any drug or drugs; aggravated driving while intoxicated; prior
16 offense. [One year] (A) TWO YEARS, where the holder is convicted of a
17 violation of subdivision two, three, four or four-a OR PARAGRAPH (A) OF
18 SUBDIVISION TWO-A of section eleven hundred ninety-two of this article
19 committed within ten years of a conviction for a violation of subdivi-
20 sion two, TWO-A, three, four or four-a of section eleven hundred nine-
21 ty-two of this article.
22 [Eighteen months] (B) TWO YEARS AND SIX MONTHS, where the holder is
23 convicted of a violation of PARAGRAPH (B) OF subdivision two-a of

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

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1 section eleven hundred ninety-two of this article committed within ten
2 years of a conviction for a violation of subdivision two, two-a, three,
3 four or four-a of section eleven hundred ninety-two of this article[; or
4 where the holder is convicted of a violation of subdivision two, three,
5 four or four-a of section eleven hundred ninety-two of this article
6 committed within ten years of a conviction for a violation of subdivi-
7 sion two-a of section eleven hundred ninety-two of this article].

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

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

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