

STATE OF NEW YORK

2602

2021-2022 Regular Sessions

IN SENATE

January 22, 2021

Introduced by Sen. HELMING -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to mandatory screening procedures

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Paragraph (a) of subdivision 2 of section 1198-a of the
2 vehicle and traffic law, as amended by chapter 496 of the laws of 2009,
3 is amended to read as follows:

4 (a) Mandatory screening; when authorized. Upon the arraignment of, or
5 at the discretion of the court, prior to the sentencing of any person
6 who (i) at arraignment is charged with or prior to sentencing convicted
7 of a first violation of operating a motor vehicle in violation of subdivi-
8 sion one, two or three or paragraph (b) of subdivision two-a of
9 section eleven hundred ninety-two of this article while such person has
10 less than .15 of one per centum by weight of alcohol in the person's
11 blood as shown by chemical analysis of such person's blood, breath,
12 urine or saliva made pursuant to the provisions of section eleven
13 hundred ninety-four of this article, or in violation of subdivision four
14 or subdivision four-a of such section eleven hundred ninety-two, or (ii)
15 has refused to submit to a chemical test pursuant to section eleven
16 hundred ninety-four of this article, the court shall order such person
17 to submit to screening for alcohol or substance abuse and dependency
18 using a standardized written screening instrument developed by the
19 office of alcoholism and substance abuse services, to be administered by
20 an alcohol or substance abuse professional.

21 § 2. This act shall take effect immediately.

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

LBD04655-01-1