

STATE OF NEW YORK

10691

IN ASSEMBLY

August 28, 2024

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Magnarelli)
-- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to mandatory alcohol or drug treatment relating to driving while impaired by alcohol or drugs

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

1 Section 1. Subparagraph (ii) of paragraph (a) of subdivision 10 of
2 section 1192 of the vehicle and traffic law, as amended by chapter 732
3 of the laws of 2006, is amended to read as follows:

4 (ii) In any case wherein the charge laid before the court alleges a
5 violation of subdivision two, three, four or four-a of this section, no
6 plea of guilty to subdivision one of this section shall be accepted by
7 the court unless such plea includes as a condition thereof the require-
8 ment that the defendant attend and complete the alcohol and drug reha-
9 bilitation program established pursuant to section eleven hundred nine-
10 ty-six of this article, including any assessment and treatment required
11 thereby; provided, however, that such requirement may be waived by the
12 court upon application of the district attorney or the defendant demon-
13 strating that the defendant, as a condition of the plea, has been
14 required to enter into and complete an alcohol or drug treatment program
15 prescribed pursuant to an alcohol or substance abuse screening or
16 assessment conducted pursuant to section eleven hundred ninety-eight-a
17 of this article [~~or for other good cause shown~~]. The provisions of this
18 subparagraph shall apply, notwithstanding any bars to participation in
19 the alcohol and drug rehabilitation program set forth in section eleven
20 hundred ninety-six of this article; provided, however, that nothing in
21 this paragraph shall authorize the issuance of a conditional license
22 unless otherwise authorized by law.

23 § 2. Paragraph (a) of subdivision 1 of section 1193 of the vehicle and
24 traffic law, as amended by chapter 75 of the laws of 1994, is amended to
25 read as follows:

26 (a) Driving while ability impaired. A violation of subdivision one of
27 section eleven hundred ninety-two of this article shall be a traffic

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

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1 infraction and shall be punishable by a fine of not less than three
2 hundred dollars nor more than five hundred dollars or by imprisonment in
3 a penitentiary or county jail for not more than fifteen days, or by both
4 such fine and imprisonment. Additionally, such person shall be required
5 to enter into and complete an alcohol and drug rehabilitation program
6 conducted pursuant to section eleven hundred ninety-six of this article.

7 A person who operates a vehicle in violation of such subdivision after
8 having been convicted of a violation of any subdivision of section eleven
9 hundred ninety-two of this article within the preceding five years
10 shall be punished by a fine of not less than five hundred dollars nor
11 more than seven hundred fifty dollars, or by imprisonment of not more
12 than thirty days in a penitentiary or county jail or by both such fine
13 and imprisonment. A person who operates a vehicle in violation of such
14 subdivision after having been convicted two or more times of a violation
15 of any subdivision of section eleven hundred ninety-two of this article
16 within the preceding ten years shall be guilty of a misdemeanor, and
17 shall be punished by a fine of not less than seven hundred fifty dollars
18 nor more than fifteen hundred dollars, or by imprisonment of not more
19 than one hundred eighty days in a penitentiary or county jail or by both
20 such fine and imprisonment.

21 § 3. This act shall take effect immediately.