



CITY OF NEW YORK
MANHATTAN COMMUNITY BOARD FOUR
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Burt Lazarin
Chair

Jesse R. Bodine
District Manager

October 18, 2018

Hon. Brad Hoylman
New York State Senator
322 8th Avenue, Ste. 1700
New York, NY 10001

Hon. Richard N. Gottfried
Assembly Member
214 West 29th Street, Suite 1002
New York, NY 10001

Hon. Linda Rosenthal
Assembly Member
230 West 72nd Street, Suite 2F
New York, NY 10023

Re: Legislative Changes for Crash Incidents

Dear Senator Hoylman, Assembly Member Gottfried and Assembly Member Rosenthal,

At the September 13, 2018 meeting of the Transportation Planning Committee, we heard a presentation from Jill Hoexter, Chief of the Vehicular Crimes Unit of New York County with the District Attorney's (DA) Office. Ms. Hoexter presented on the topics of vehicular crashes resulting in injury or death, and the prosecutorial constraints on such cases. She cited three legislative loopholes, which prevent her office (and county DA offices statewide) from pursuing prosecution in many cases where the driver is at fault:

1. Driving While Intoxicated (DWI) charges. DWI-Alcohol is charged in cases where the driver tests with a Blood Alcohol Content (BAC) of 0.08% or more. A DWI-Drug charge can be brought against a driver found to be under the influence of a controlled substance listed by Section 3306 of the New York Public Health Law. As new substances become available at a rapid pace, all substances should be covered by the law, or a review of the schedule should take place annually, and additions incorporated as necessary to include substances commonly seen in cases of impaired driving leading to collisions, injury, or death.

2. Although New York’s “implied consent” laws require the driver to submit to chemical testing—a blood, breath, urine, or saliva test—for the purpose of determining the amount of alcohol or drugs in the driver’s body, drivers who refuse face a 1-year driving suspension (for first refusal). Further, police must complete these tests within two hours of pulling the driver over for them to be valid. We support changing the statutes in order to more vigorously compel drivers suspected of DWI to submit to chemical testing; and allow results of tests completed more than two hours past the time of pulling over the driver be admissible in certain cases.

3. We recommend revising sentencing guidelines to require incarceration for cases in which a driver with a suspended license is involved in a collision, which leads to injury or death.

We believe that closing these legislative loopholes will lead to a more robust set of tools for prosecutors in cases of vehicular crime. The public has grown increasingly vocal about instances where culpable drivers do not face appropriate penalties. ¹ These recommendations were voted on at Manhattan Community Board 4’s October 3rd Full Board meeting by a vote of 37 in favor, 0 opposed, 0 abstaining and 0 present but not eligible to vote.

Thank you for your attention on this important matter.

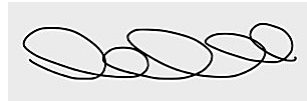
Sincerely,



Burt Lazarin
Chair
Manhattan Community
Board 4



Christine Berthet
Co-Chair
Transportation Planning
Committee



Dale Corvino
Co-Chair
Transportation Planning
Committee

¹ http://gothamist.com/2014/02/10/nyc_reckless_driving.php