Legislation Details (With Text)

File #:	Res 0006-2014	**Version:**	*	**Name:**	Increase the criminal penalty for reckless driving when serious physical injury or death of a person results from the reckless driving.
Type:	Resolution			**Status:**	Adopted
				In control:	Committee on Transportation
On agenda:	2/4/2014				
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Title: Resolution calling upon the New York State Legislature to amend the New York State Vehicle and Traffic Law to increase the criminal penalty for reckless driving when serious physical injury or death of a person results from the reckless driving.

Sponsors:

Indexes:

Attachments: 1. Committee Report 4/30/14, 2. Hearing Testimony 4/30/14, 3. Hearing Transcript 4/30/14, 4. Committee Report 5/29/14, 5. Hearing Transcript 5/29/14, 6. Hearing Transcript - Stated Meeting 5-29-14, 7. Minutes of the Stated Meeting - May 29, 2014

Date	Ver.	Action By	Action	Result
2/4/2014	*	City Council	Introduced by Council	
2/4/2014	*	City Council	Referred to Comm by Council	
4/30/2014	*	Committee on Transportation	Hearing Held by Committee	
4/30/2014	*	Committee on Transportation	Laid Over by Committee	
5/29/2014	*	Committee on Transportation	Hearing Held by Committee	
5/29/2014	*	Committee on Transportation	Approved by Committee	Pass
5/29/2014	*	City Council	Approved, by Council	Pass

Res. No. 6

Resolution calling upon the New York State Legislature to amend the New York State Vehicle and Traffic Law to increase the criminal penalty for reckless driving when serious physical injury or death of a person results from the reckless driving.

By Council Members Crowley, Constantinides, Gentile, King, Koo, Koslowitz, Palma, Williams, Vallone, Mendez, Levin, Rosenthal, Arroyo, Van Bramer, Dromm, Greenfield and Ulrich

Whereas, New York State Vehicle and Traffic Law ("VTL") section 1212 defines reckless driving as driving or using any motor vehicle, motorcycle or any other vehicle in a manner which unreasonably interferes with the free and proper use of the public highway, or unreasonably endangers users of the public highway; and

Whereas, People found to have violated VTL section 1212 are guilty of a misdemeanor and may be

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imprisoned for up to 180 days, in addition to a $300 fine and 5 points on their driver's license; and

Whereas, While those penalties may be appropriate where nobody was injured or killed as a result of the reckless driving, they are wholly inadequate punishment when the reckless driving results in serious injury or death; and

Whereas, Additional charges such as vehicular assault, vehicular manslaughter, vehicular homicide or manslaughter may be brought against a person who drives recklessly and seriously injures or kills someone; and

Whereas, While those charges subject the guilty person to much more time in prison than a conviction of reckless driving, those charges are often hard to prove and require certain factors such as the driver having been previously convicted of driving recklessly, being intoxicated at the time of the accident or been driving on a revoked or suspended license; and

Whereas, According to various reports, on June 4, 2013, Ariel Russo, a 4-year old girl, and her grandmother, were struck by an SUV at an intersection at West 97th Street and Amsterdam Avenue in Manhattan driven by a 17-year old unlicensed driver who was fleeing police who had pulled him over for driving recklessly; and

Whereas, Ariel Russo tragically died as the result of her injuries and her grandmother was hospitalized for several weeks as a result of hers; and

Whereas, The 17-year-old driver, Franklyn Reyes, was subsequently reportedly charged with manslaughter and vehicular manslaughter; and

Whereas, Reports indicate there was a 4 minute delay in dispatching an ambulance to assist Ariel and her grandmother; and

Whereas, This delay could potentially be a factor in any criminal case against the driver but particularly in a case for manslaughter or vehicular manslaughter; and

Whereas, Had the criminal penalty for reckless driving been more significant, there would have been an additional opportunity for some modicum of justice beyond 180 days in prison; and

Whereas, While the law cannot be changed to impact the Russo case, it can be changed to act as a future deterrent to those that might drive recklessly and to exact a more appropriate punishment for those found guilty of driving recklessly and seriously injuring or killing someone; and

Whereas, The New York State Legislature should immediately determine more appropriate criminal penalties and change the law accordingly; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to amend the New York State Vehicle and Traffic Law to increase the criminal penalty for reckless driving when serious physical injury or death of a person results from the reckless driving.

WJH
1/15/14
LS 4903