



Legislation Text

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Res. No. 51

Resolution calling on the New York State Legislature to remedy several deficiencies in the law regarding leaving the scene of an accident.

By Council Members Crowley, Constantinides, Koo, Palma, Vacca, Reynoso, Gibson, Menchaca, Rodriguez, Levin, Arroyo, Van Bramer and Vallone

Whereas, Hit-and-run drivers not only endanger the lives of others, but also evade personal responsibility; and

Whereas, According to the American Automobile Association Foundation for Traffic Safety, approximately 11 percent of all police reported crashes involve at least one driver who flees the scene and nearly 1,500 people die annually in hit and run crashes; and

Whereas, In order to hold drivers accountable for their actions, in May 2005, the New York State Legislature amended §600 of the New York State Vehicle and Traffic Law (“VTL”), entitled “leaving scene of an incident without reporting,” to remedy gaps in the law that gave intoxicated and reckless drivers an incentive to leave the scene of an accident when serious physical injury or death had occurred; and

Whereas, Prior to the May 2005 revision, a driver who was intoxicated and caused a death could, depending on the circumstances, be charged with vehicular manslaughter in the second degree, a class D felony carrying a penalty of up to 7 years imprisonment, yet if the driver left the scene and was no longer intoxicated at the time he or she was apprehended, the most with which the driver could be charged was criminally negligent homicide, a class E felony, carrying a penalty of up to 4 years imprisonment; and

Whereas, The State Legislature closed this gap by making it a class D felony for a person to leave the scene of an accident when death results from the accident; the Legislature also increased the penalty for those

who leave the scene of an accident when personal injury results, from a B misdemeanor to an A misdemeanor; and

Whereas, Despite these changes to the law, the State Legislature failed to address the burden of proof problems in prosecuting these cases; and

Whereas, In order to secure a conviction, a prosecutor must still prove that the driver knew or had reason to know that personal injury, serious physical injury, or death resulted from the accident; and

Whereas, Prosecutors often face substantial difficulties attempting to prove that a driver fleeing the scene of an accident knew or should have known of an injury or death, particularly when the driver who is fleeing is intoxicated; and

Whereas, In cases where a serious physical injury or death results, a driver who leaves the scene of an accident should be strictly liable and charged with leaving the scene and causing the injury or death without the prosecutor being required to demonstrate that the driver knew of or had cause to know of the injury or death; and

Whereas, In addition to the burden of proof problems, the current penalties associated with leaving the scene of an accident do not accurately reflect the severity of the crime; and

Whereas, A.1533, sponsored by Assembly Member Steven Cymbrowitz and currently pending in the New York State Assembly, and companion bill S.2503, sponsored by State Senator Martin J. Golden and currently pending in the New York State Senate, seek to amend the VTL by increasing various penalties associated with the offense of leaving the scene of an accident without reporting it; and

Whereas, A.1533/S.2503 would allow prosecutors to charge a driver who leaves the scene of an accident where personal injury results from the accident with a class E felony and subject them to a fine of between \$1,000 and \$1,500; any subsequent offense would constitute a class D felony and carry a fine of between \$1,500 and \$3,000; and

Whereas, Furthermore, under this legislation, a driver convicted of leaving the scene when serious

physical injury resulted from the accident would be charged with a class D felony and subject to a fine of between \$1,500 and \$5,500; if the accident resulted in a death, the driver would be charged with a class C felony and subject to a fine of between \$2,500 and \$5,500; and

Whereas, Drivers who are irresponsible and callous should be penalized appropriately, and drivers who seriously injure and kill others, then flee the scene, should be strictly liable for such actions; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York State Legislature to remedy several deficiencies in the law regarding leaving the scene of an accident.

WJH
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2/5/14
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