



## Legislation Text

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**File #:** Res 0337-2004, **Version:** \*

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### Res. No. 337

Resolution calling upon the State Legislature to make drag racing a felony.

By Council Members Vallone Jr., Liu, Weprin, Avella, Fidler, Gerson, Koppell, Nelson, Sanders and Gennaro

Whereas, The incidence of illegal street racing has increased and with it the number of injuries and fatalities attributable to illegal races; and

Whereas, According to news reports, police estimate that street racing accidents increased by 50% nationwide in 2003; and

Whereas, According to a Newsday analysis of traffic deaths on Long Island from 1999 to 2001, 35% of all drivers involved in fatal crashes were younger than 30, even though people in this age group held only 20 percent of drivers licenses on Long Island, and many of these crashes involved excessive speed and drag racing; and

Whereas, The serious problem posed by drag racing was again brought to light recently in Fresh Meadows, Queens, where, while attempting to cross Francis Lewis Boulevard, two fourteen-year-olds were seriously injured when they were hit by a car engaged in a drag race; and

Whereas, Although law enforcement has targeted drag racing through such programs as Queens District Attorney Brown's Operation Hermes in 1995, which resulted in numerous arrests and car seizures, the minimal penalties involved for committing this crime do not adequately deter this potentially deadly behavior; and

Whereas, Under the Vehicle and Traffic Law and Penal Law, those who engage in drag racing may be charged with reckless driving in the second degree, prohibited speed contests and races, or reckless endangerment in the second degree, all misdemeanors, with, in most cases, only up to one year in jail as a

penalty; and

Whereas, In fact, a person charged with engaging in a prohibited speed contest or race under the Vehicle and Traffic Law only faces up to thirty days in jail and up to a five hundred twenty-five dollar fine for a first offense, and only a jail term of up to six months and a fine of up to seven hundred fifty dollars for the second offense within twelve months of the first offense; and

Whereas, Although Queens District Attorney Brown has recently charged drivers engaged in drag racing with reckless endangerment in the first degree, a Class D felony, proving the elements of this crime, including that the behavior was reckless and under circumstances evincing a depraved indifference to human life, may be difficult; and

Whereas, Drag racing clearly rises to the level of a felony when a serious injury or death is involved; however, stiff penalties should be imposed, and convictions easier to prove, from the mere fact of drag racing, before injury or death occurs; and

Whereas, To assist law enforcement in preventing this dangerous and potentially deadly activity, the State Legislature must amend the law so that the penalty matches the crime; now, therefore, be it

Resolved, That the Council of the City of New York calls on the State Legislature to make drag racing a felony.

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4/29/04