



Legislation Text

File #: Res 0772-2005, **Version:** *

Res. No. 772

Resolution supporting State legislation that would make a Driving While Intoxicated arrest with Blood Alcohol Content of .18 or more a felony offense with increased penalties.

By Council Members Vallone Jr., Addabbo Jr., Clarke, Foster, Gentile, Liu, Martinez, Palma, Quinn, Recchia Jr., Reed, Sears, Weprin and Gennaro

Whereas, Currently, there is a national epidemic of drunk driving as alcohol-related traffic deaths and injuries are on an alarming rise after years of decline; and

Whereas, At a recent Public Safety Committee hearing, representatives from the New York City Police Department (NYPD) and the Brooklyn District Attorney's Office testified that increased DWI arrests reflect both greater enforcement and an increased incidence of drunk driving; and

Whereas, Many of the Driving While Intoxicated (DWI) incidents involve extremely high Blood Alcohol Content (BAC) levels and/or repeat offenders; and

Whereas, In New York State, there were approximately 56,869 drivers arrested for DWI in 2000; of those offenders arrested and tested, 47.8% were arrested for driving at BAC above .15; and

Whereas, At the recent Public Safety Committee hearing, the NYPD testified of those arrested for DWI in New York City in 2003, 3,051 drivers had a BAC between .10 and .15, 1,293 had a BAC between .16 and .20 and 550 drivers had a BAC of more than .20; and

Whereas, Many states, including New York, limit the BAC to 0.08 indicating that an individual driving with a BAC of .08 or more is currently deemed legally intoxicated and will be penalized accordingly; and

Whereas, Impairment due to alcohol consumption rises gradually at lower levels but dramatically at higher levels of BAC; and

Whereas, An individual with a BAC of .18 is far more seriously impaired, has severely diminished judgment, coordination and ability needed to drive a vehicle, with an increased likelihood of an accident and/or injuries and fatalities and thus, is a much larger threat than an individual with a BAC of .08; and

Whereas, Under current law, all DWI arrests, regardless of the BAC level, are considered misdemeanors, punishable by up to 1 year in jail, absent extenuating circumstances such as an accident or prior arrests; and

Whereas, Legislation was introduced in the last session of the State Assembly that would mandate harsher penalties for drunk driving by making a DWI of .18 BAC or more a felony offense with increased penalties; and

Whereas, This amendment would ensure that the most flagrant violators of the State's DWI laws would be required to enter pleas that could result in extensive periods of incarceration and/or heavy fines, serving as a strong deterrent to those who would get behind the wheel of a car after drinking; now, therefore, be it

Resolved, That the Council of the City of New York supports State legislation that would make a Driving While Intoxicated arrest with Blood Alcohol Content of .18 or more a felony offense with increased penalties.