



## Legislation Text

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**File #:** Res 0151-2006, **Version:** \*

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### Res. No. 151

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

By Council Members Vallone Jr., Gennaro, Gentile, Nelson, Recchia Jr., Weprin and Foster

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 2004 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 levels above .15; and

Whereas, At the 2004 Public Safety Committee hearing, the NYPD testified of those arrested for DWI in New York City in 2003, 3,051 drivers had a BAC level between .10 and .15; 1,293 had a BAC level between .16 and .20; and 550 drivers had a BAC level of more than .20; and

Whereas, Many states, including New York, make it illegal to drive with a BAC level of .08, indicating that an individual driving with a BAC of .08 is incapable of giving the required attention and care to the operation of an automobile; 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 to drive a motor vehicle, with an increased likelihood of an accident and/or injuries and fatalities, and is thus a much greater 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, Bills have been introduced in the New York State Legislature that mandate harsher penalties for drunk driving by making a DWI of .18 BAC or more a felony offense with increased penalties; and

Whereas, These legislative amendments 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 legislation that makes Driving While Intoxicated with Blood Alcohol Content of .18 or more a felony offense with increased penalties.

Res 772/2004  
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