

News Release from
The Honorable Sandra Doorley
Monroe County District Attorney

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FOR IMMEDIATE RELEASE

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**Monroe County District Attorney Sandra Doorley Supports the Passage of the
Deadly Driving Bill (S.3135/A.174)**

Rochester, NY- On Tuesday, January 9, 2024, supporters of the Deadly Driving Bill and families from around New York State will wear red on the "Million Dollar Staircase" at the Capitol in Albany.

The Deadly Driving Bill accomplishes many oversights that currently exist in the Vehicle and Traffic Law, especially regarding language and definitions. This legislation retitles drugged driving to apply to all impairing substances, not just those listed on the New York Public Health Law 3306 list. New York is one of five states in the country using a list that does not mirror new and emerging impairing substances and synthetic drugs. This proposed legislation also clarifies the often confusing definitions between "impaired" and "intoxicated" when labeling dangerous drug impairment.

This bill also gives law enforcement and the court more tools to ensure drivers who are under the influence of all impaired substances can be held accountable. The proposed legislation includes Oral fluid field testing (OFFT) as a roadside screening tool to support probable cause, which in turn could also exonerate a driver. OFFT is authorized in 24 states and used internationally. This tool does not prove impairment or sobriety but offers real-time evidence of recent drug use as an investigatory tool. The legislation also equates Drug Recognition Evaluation (DRE) to breath or blood tests if the driver refuses. DRE is the best evidence of actual impairment and screens out exonerating medical conditions. As written, the bill applies the same license revocation for refusing a DRE exam.

This Deadly Driving Bill expands the court's ability to order evidential blood draws. Under the proposed law, in certain circumstances, the court may order evidential blood draws if supported by probable cause, if a person refuses the test in cases where a crash has occurred for drivers with prior impaired driving charges.

Finally, the Deadly Driving Bill suspends a drugged driver's license pending prosecution, mirroring existing law that does this for driving under the influence of alcohol. While there are several changes in the Deadly Driving Bill, certain parts of the bill simply add the same regulations for driving under the influence of drugs(s) that exist for alcohol.

“The Deadly Driving Bill is common sense legislation and I am proud to support such a proposal that values public safety,” said Monroe County District Attorney Sandra Doorley. “Illegal drugs and narcotics are always evolving and this legislation ensures that law enforcement and the courts can stay on top of all impairing substances without awaiting time-consuming updates to the New York Public Health Law. Those who drive impaired choose to consume mind-altering substances before driving their vehicle, putting countless lives at risk. We must be able to hold these deadly drivers accountable, and when appropriate, help connect them with services if they are struggling with substance abuse disorder of any kind.”

In 2023, the Monroe County District Attorney’s Office Vehicular Crimes Bureau took in 302 felony cases and the Local Courts Bureau took in 938 misdemeanor Driving While Intoxicated cases.

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