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Suffolk County District Attorney Tierney, Bronx District Attorney Clark, and Queens District Attorney Katz Rally to Urge State Lawmakers for the Immediate Passage of Drugged Driving Bill

(BRONX, N.Y.) – Suffolk County District Attorney Raymond A. Tierney was joined today by Bronx District Attorney Darcel D. Clark and Queens District Attorney Melinda Katz in calling for the passage of the “Deadly Driving Bill” during a rally held in the Bronx at the site where a 67-year-old grandfather was struck and killed by an alleged drugged driver while he was crossing the street in September 2023. Also joining the three District Attorneys were the Coalition to Protect New Yorkers from Drugged Driving and families of victims killed by drugged drivers and community members.

“No one is immune from becoming a victim of a drugged driving crash. This Mother’s Day weekend, there will be needlessly empty seats at family tables because of people killed by the preventable crime of impaired driving. In this case, Mr. Mohammed Rahman was walking to a mosque to lead evening prayers when he was struck and killed by an alleged drugged driver,” said District Attorney Tierney. “The way the law stands now, drivers who are obviously impaired by a drug cannot be arrested and prosecuted for operating a vehicle if the substance that they are on is not listed in a specific section of the Public Health Law. This is dangerous and it must be changed. I thank District Attorney Clark, District Attorney Katz, and all the downstate district attorneys for their support on this bill and for joining me in calling for our New York State legislators to close the loopholes.”

“Drivers cannot get behind the wheel if they are impaired by alcohol or any type of drug because they risk the lives of other drivers and pedestrians, as well as their own,” said Bronx District Attorney Darcel D. Clark. “Passing this legislation will give us more tools to hold dangerous drivers accountable and ultimately make our streets safer.”

“We are experiencing an epidemic of vehicular violence in New York State,” said Queens District Attorney Melinda Katz. “In 2022, 70 people lost their lives in Queens County due to a vehicular collision. Last year, 89 people died in vehicular collisions. Today, a police officer can observe an obviously impaired driver and that person cannot be arrested and prosecuted unless we can name and prove which specific drug is causing the impairment and that drug appears on the public health law list. Oftentimes, all a driver needs to do at the scene is refuse a drug test to avoid any accountability. Working with our fellow district attorneys, legislators, and safety advocates, we have crafted legislation that will end this madness. This bill fixes a major loophole in our vehicle and traffic law and will make New York a safer place for us and for our children.”

“No matter your position on the decriminalization and legalization of recreational marijuana use, we should all be able to agree that rampant drugged driving presents a clear and present danger to our roadways, fellow motorists, and pedestrians,” said Staten Island District Attorney Michael E. McMahon. “And while my office does all it can to hold those who drive impaired and commit vehicular violence accountable in the courtroom,



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glaring inadequacies in our state’s laws combined with a severe lack of Drug Recognition Experts across New York state have allowed far too many who drive under the influence and endanger the lives of our loved ones to do so without consequence. ‘The Deadly Driving Bill’ will empower police and prosecutors alike to better hold impaired drivers accountable for jeopardizing the lives of themselves and all around them and I proudly join my fellow District Attorneys in calling for the passage of this commonsense and pro-public safety legislation.”

“Drugged driving is a serious and growing problem that must be addressed to save lives,” said Brooklyn District Attorney Eric Gonzalez. “New York needs to enact a more common-sense approach to evaluating impairment and so, like the National Transportation Safety Board and my colleagues, I support modernizing our laws to make enforcement more effective while protecting drivers’ rights.”

“Getting behind the wheel while impaired threatens the safety of every New Yorker, from pedestrians to cyclists to other drivers,” said Manhattan District Attorney Alvin L. Bragg, Jr. “I welcome additional tools to hold dangerous drivers accountable and thank the Bronx and Suffolk County District Attorneys’ Offices for their work on this important issue.”

“Last year was one of the deadliest years on Nassau County roadways because of reckless drunk and drugged driving,” said Nassau County District Attorney Anne T. Donnelly. Drugged drivers are escaping accountability every day because of archaic impaired driving laws, and they are putting the lives of New York residents at risk,” said Nassau County District Attorney Anne T. Donnelly. “I fully support Suffolk County District Attorney Tierney’s legislative efforts to bring our drugged driving laws in line with the rest of the country, close these dangerous loopholes, and give law enforcement another necessary tool to keep drug-impaired drivers off our roads.”

“The use of drugs and alcohol has skyrocketed post-COVID and it’s likely that more people than ever before are driving while under the influence,” said Family and Children’s Association, President/Chief Executive Officer, Dr. Jeffrey Reynolds. “An impaired driving arrest, while unpleasant, can be the milestone event that interrupts a progressively destructive pattern of risky behaviors, facilitates entry into addiction treatment and paves the road to recovery before someone is injured or killed. We need laws that hold people accountable, prevent senseless deaths and protect public health.”

“Drunk and drugged driving are 100 percent preventable and claim far too many lives across the United States annually, and New York is no exception,” said Senior Vice President of Traffic Safety for the Foundation for Advancing Alcohol Responsibility (Responsibility.org) and Director of the National Alliance to Stop Impaired Driving (NASID) Darrin Grondel. “As we continue to see alarming increases in drugged driving and poly-substance impaired driving, we urge the NY legislature to immediately pass S3135/A174. This measure will provide increased safety protections to all New Yorkers by removing a dangerous loophole in the current law that allows impaired drivers to escape arrest and prosecution.”



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Current New York State law does not allow an individual to be arrested and prosecuted for operating a vehicle while impaired by a substance that is not listed in Section 3306 of the Public Health Law. This means that in order to prosecute someone for drugged driving, the current law first requires law enforcement to identify the specific drug that the driver ingested, and then they must also ensure that the specific drug that they identified is listed on the Public Health Law list. However, hundreds of impairing substances are not on the Public Health Law list such as “Dust-Off” computer cleaner, Xylazine (also known as “tranq”), and newly created synthetic drugs.

The list requirement loophole means that a driver can avoid responsibility and prosecution by not disclosing to law enforcement what drug they ingested and refusing an identifying test. According to data from the Institute for Traffic Safety Management and Research (ITSMR), of the drivers that were evaluated, refusal of chemical testing doubled from 11% to 22% from 2018 to 2022, meaning more impairing substances could not be named by law enforcement. Thus, these drivers are not held responsible causing them to sidestep drugged driving license repercussions and avoid intervention, treatment, or behavior modification to prevent the driver from driving drugged again.

District Attorney Tierney collaborated with Senate Sponsor John Mannion and Assembly Transportation Committee Chair Bill Magnarelli to lead a bipartisan effort close the loopholes by creating the Senate Bill S.3135 and Assembly Bill A.174, also known as the “Deadly Driving Bill,” which uses the best scientifically supported tools available to make New York’s drugged driving law a model for the rest of the country.

According to the National Transportation Safety Board (NTSB), as of 2022, New York was one of only 4 states that still use a list for drugged driving. In January 2023, NTSB sent letters to the Governors of these states, including New York, with Safety Recommendation H-22-044 supporting impaired driving charges for all drugs that impair driving, without reference to a list. The proposed Deadly Driving Bill’s definition of “drug” in the Vehicle and Traffic Law meets the NTSB recommendation.

In January 2024, District Attorney Tierney traveled to Albany to urge lawmakers to promote the passage of the Deadly Driving Bill. He was joined by impaired driving victims’ families, community members, district attorneys, lawmakers, traffic safety advocates, criminal justice professionals, and members of the Coalition to Protect New Yorkers from Drugged Driving.

All roadway fatalities in New York have increased, including impaired driving fatalities. But the rate of increase in drug-involved fatalities has outpaced drinking driver fatalities in the last five years. Drug-involved fatalities have increased 35% between 2018 and 2022. The raw number is also higher than alcohol and represents 23% of the total number of roadway fatalities in the state. Further, according to ITSMR, there has been an 87% increase in the number of drivers in fatal crashes testing positive for at least one drug on the Public Health Law Section 3306 list in the decade ending in 2022. The number does not include drugs that are not on the Public Health Law list or that were not tested for.



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Drugged drivers threaten the lives of random and innocent roadway users of every age, gender, ethnicity, and economic status every day in every community in New York State. The Deadly Driving Bill does not create new crimes, but instead, makes existing law workable. The bill does not expand law enforcement's ability to make car stops. It does not roll back cannabis legalization and it does not create a "per se" drugged driving charge that would be based only on the driver having a specific amount of a drug in the driver's bloodstream. Current scientific research does not support a "per se" statute because drugs work differently than alcohol in the body. Blood levels do not correlate to impairment the same way. Instead, the revised law would continue to require a showing of "actual impairment" using the best training and scientific tools available, not just the presence of a substance. When impairment from any substance can be seen, the driver must be prohibited from driving.

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