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Drunken driving, cellphone use laws get stricter

3 HOURS AGO • BY [DON LEHMAN](#)

The new month brought a batch of new laws that crack down on drunken drivers and those who use handheld cellphones while driving.

The new laws took effect Nov. 1, including one that has been praised as a good tool to use against repeat driving while intoxicated offenders.

The new law has been dubbed “Vince’s Law” in honor of a central New York man who was killed in 2011 by a drunken driver who had four DWI convictions in the prior 17 years.

Warren County District Attorney Kate Hogan said the change will allow police to file a felony charge in situations where drivers have prior convictions within 15 years and where only a misdemeanor would have been applicable in the past.

Officials do occasionally see drivers who will go years between arrests, and who skirt felony prosecution because prior convictions were more than 10 years old. The law change will make the third DWI in 15 years a felony, and two in 10 years will continue to be a felony.

“This new statute permits a longer look back to the history of an offender and allows us to charge an offender who has a history of prior DWIs with a class D felony” she said.

That charge could bring up to 7 years in state prison.

Not everyone was praising the change.

Glens Falls defense lawyer Tucker Stancliff, chairman of the vehicle and traffic committee of the state Bar Association’s Criminal Justice Section, said he doesn’t think the change will deter repeat drunken drivers.

“I don’t think it deters alcoholics,” he said. “A criminal justice system that offers treatment and alternative sentencing options is more important than changing the classification of a crime.”

The change to state Vehicle & Traffic Law as it pertains to handheld cellphone use while driving will likely turn more heads in the coming years.

The change will dramatically toughen penalties for younger drivers caught using phones while driving, with a 120-day license suspension for first-time offenders 21 years old or younger and up to a year’s suspension for repeat offenders.

Fines will also increase to \$200 for first-time offenders and up to \$450 for repeat offenders.

“A texting driver is as dangerous as a drunken driver,” Hogan said.

Hogan said Warren and Washington counties have been on the “cutting edge” of working with offenders of cell phone use while driving laws through the counties’ Victims Impact Panel.

Those convicted of DWI or using handheld phones while driving hear from people who were hurt or injured by offender drivers or hear from offenders themselves. Hogan said federal officials recently visited the panel to review it as a model for further use.