



News from Albano & Milam 1st Legislative District



Assemblyman Nelson T. Albano

P: (609) 465-0700
E-Mail: AsmAlbano@njleg.org

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Assemblyman Matthew W. Milam

P: (609) 465-0700
E-Mail: AsmMilam@njleg.org

ALBANO/MILAM LEGISLATION CRACKING DOWN ON REPEAT DRUNK DRIVERS ADVANCED BY ASSEMBLY COMMITTEE

Bill Would Eliminate Downgrading for Offenses More Than 10 years Apart

(TRENTON) – Legislation sponsored by Assemblymen Nelson Albano and Matt Milam to toughen penalties on repeat drunk drivers was released today by an Assembly panel.

The measure (A-3630) would eliminate the downgrading of driving while intoxicated offenses that occur more than 10 years after a previous conviction.

“The idea that a drunken driver can get off easier simply because it’s been 10 years since their previous conviction is inexplicable,” said Albano, whose son was killed in 2001 by a repeat drunk driver. “The passing of time doesn’t make the behavior any more acceptable, nor does it pose any less of a risk to society. Repeat offenders must be dealt with harshly, not given a break.”

The bill would remove provisions in the state’s drunk driving statute that allow second-time drunk drivers to be sentenced as first offenders and third time drunk drivers to be sentenced as second offenders, if the offense occurred more than 10 years after a previous offense.

“A drunk driving offense that occurs more than 10 years after the last one isn’t any less serious,” Milam said. “In fact, it’s a major concern. Repeat offenders are a problem no matter when they got caught. The penalties shouldn’t be less severe. They should be more.”

Under state law, if a second intoxicated driving offense occurs more than 10 years after the first offense, the court is to treat the second conviction as a first offense for sentencing purposes.

Similarly, if a third intoxicated driving offense occurs more than 10 years after the second offense, the court is to treat the third conviction as a second offense.

(MORE)

Under the bill proposed by Albano and Milam (both D-Atlantic/Cape May/Cumberland), second and third time intoxicated drivers would be sentenced as such regardless of when the previous offense occurred.

Under state law, drivers with a blood alcohol concentration (BAC) between 0.08 percent but less than 0.10 percent face a fine of up to \$400, up to 30 days in jail and a three-month license suspension. Those with a BAC of more than 0.10 percent face a fine of up to \$500, 30 days in jail and a one-year license suspension.

For a second violation, a person faces a fine of up to \$1,000, 90 days in jail and a two-year license suspension.

For a third or subsequent violation, a person faces a \$1,000 fine, 180 days in jail and a 10-year license suspension.

The bill was released 6-0 by the Assembly Law and Public Safety Committee and now goes to the Assembly Speaker, who decides if and when to post it for a vote.

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