

Memorandum

To: All House Members

From: Representative John Galloway

Re: New Offenses for Homicide and Aggravated Assault by Vehicle While Driving Under the Influence

Date: February 26, 2015

In the near future, I plan to introduce legislation that would add offenses for homicide and aggravated assault by vehicle while driving under the influence.

On January 19, 2014, 15 year old Zachary Gonzalez was struck and killed by a vehicle while its driver was under the influence of cocaine and prescription medications. The impaired driver also struck and injured 14 year old Jeffrey Garvie, causing a broken shoulder and a bruised lung. Although the driver was charged with driving under the influence, possession of drug paraphernalia, and possession of a controlled substance, he failed to be charged with homicide or aggravated assault by vehicle while driving under the influence. This failure of justice took place because it was determined that the driver's intoxication was not the cause of the death or injury.

My bill attempts to correct this issue by making it a misdemeanor of the second degree, with a maximum fine of \$5,000, to commit homicide by vehicle while driving under the influence where it is ruled that the driver's intoxication was not the cause of death. My bill also creates an additional misdemeanor of the second degree, with a maximum fine of \$2,500, for committing aggravated assault by vehicle while driving under the influence where it is ruled that the driver's intoxication was not the cause of injury.

By creating these new penalties, we can ensure that this technicality will not allow future offenders of similar tragedies to avoid justice. Please join me in co-sponsoring this important piece of legislation.