

A RESOLUTION TO BE SUBMITTED BY
LEGISLATOR DIXON, RATH, MILLS, LORIGO, MORTON, AND HARDWICK

Re: State implementation of Jocelyn's Law

WHEREAS, in 2012 Jocelyn Elberson and Sheila Pelton were killed when walking on a bike path by David Smith who was driving his motorcycle while drunk in November of 2012; and

WHEREAS, Mr. Smith had received four prior convictions across multiple states for driving while under the influence; and

WHEREAS, Jocelyn's Law would increase the charge of vehicular manslaughter to vehicular homicide for any person who kills someone while driving under the influence and have had three or more prior driving under the influence charges; and

WHEREAS, this law, also known as bill S4772-2013, recently passed in the State Senate and was sent to the Assembly; and

WHEREAS, this increased punishment would act as a further deterrent to those who foolishly drive while under the influence putting not only their own lives at risk, but those of bystanders as well.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby endorses Jocelyn's Law, bill number S4772-2013, and implores the State Assembly and Governor Cuomo to act swiftly in the passage of this law; and be it further

RESOLVED, that certified copies of this resolution be sent to the Western New York delegation to the State Senate and Assembly, Governor Cuomo's office, and all other parties deemed necessary and proper.

Fiscal Impact: None