



**INFORMATION ON**

**ALCOHOL AND DRUG EDUCATION**

**PROGRAMS AND RESOURCES**

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## INTRODUCTION

The Drug-Free Workplace Act of 1988 and the Drug-Free School and Communities Act of 1989 require St. Joseph's College, as an institution of higher education receiving federal funds, to certify that it has adopted and implemented an anti-drug and alcohol abuse program for its students and employees. Accordingly, the College adopts the following policy:

St. Joseph's College does not permit or condone the illicit or unlawful manufacture, possession, use, consumption, sale, or distribution of illegal drugs and/or alcohol by its students and employees on College property or as part of College activities. This policy applies to all full-time and part-time students and all full-time and part-time permanent and temporary employees, including faculty, administration, staff, and student employees and interns.

Students who violate this policy will be subject to appropriate disciplinary action, consistent with local, state and federal law, which may include counseling, a reprimand and warning, disciplinary probation, suspension, expulsion, and referral to the proper law enforcement authorities for prosecution.

Employees who violate this policy will be subject to appropriate disciplinary action, consistent with local, state and federal law and appropriate collective bargaining agreements, which may include counseling, participation in an appropriate rehabilitation program, a warning, probation, unpaid suspension from employment, termination of employment and referral to the proper law enforcement authorities for prosecution.

All disciplinary procedures and appeals presently applicable to students and employees will continue to be available for violation of this policy.

It is the intent of the College to provide a workplace and campus environment that discourages the unauthorized or illegal use of drugs and alcohol by students and employees. The following information is important for each student and employee to read and understand regarding the legal penalties and the health risks that are associated with the use of alcohol and drugs.

## I. APPLICABLE LAWS

The following is a brief overview of local, state, and federal laws governing the possession, use, and distribution of illicit drugs and alcohol. It is not intended to be an exhaustive or definite statement of various laws, but rather is designed to indicate the types of conduct that are illegal and the range of legal sanctions that can be imposed for such conduct.

### A. NEW YORK STATE LAWS

**New York Alcohol Beverage Control Law** prohibits persons from selling or giving any alcoholic beverage to a minor (under age 21) or to a person who is already intoxicated. It is also an offense punishable by a fine of up to \$200 and/or imprisonment for up to 5 days to misrepresent the age of a minor for the purpose of inducing the sale of any alcoholic beverage. Any minor who uses false identification or the identification of another person can be convicted and fined up to \$100 and/or sentenced to probation for up to one year. In addition, a minor can be arrested and fined up to \$50 for possessing an alcoholic beverage with the intent to consume it.

**New York Vehicle and Traffic Law** provides that it is a misdemeanor punishable by a fine or at least \$350 and/or imprisonment for up to one year, (as well as suspension and/or revocation of your driver's license) to operate a motor vehicle with a blood alcohol content of one tenth of one percent or higher. Multiple convictions can result in more serious penalties. For example, a second DWI conviction in 10 years is a felony punishable by up to 4 years in a state penitentiary. Such penalties also apply to driving a motor vehicle while a person's ability is impaired by the use of a drug. (See updated DWI Laws on page 13).

**New York Public Health Law** states that it is a violation of the Public Health Law in New York for a person to sell or possess a hypodermic needle without a doctor's written prescription, to grow marijuana or knowingly allow it to be grown without destroying it (misdemeanor; punishable by up to one year in a local penitentiary), and to manufacture, sell, or possess with intent to sell an imitation controlled substance (misdemeanor; second offense in 5 years is a felony punishable by a minimum of 1 year and a maximum of 4 years in a state prison). Any private vehicle, boat, or plane that has been or is being used to transport a controlled substance can be seized by the police and forfeited under the law.

**New York Penal Law** states that it is a crime to loiter with the intent to use drugs, appear in public under the influence of drugs, use or possess drug paraphernalia, and sell or possess controlled substances. Persons convicted of a drug offense may be sentenced to any one of the following: community service, probation, shock probation with a combination of imprisonment time and probation, intermittent imprisonment which may include weekends and/or Saturday, or imprisonment for life.

### B. FEDERAL LAWS

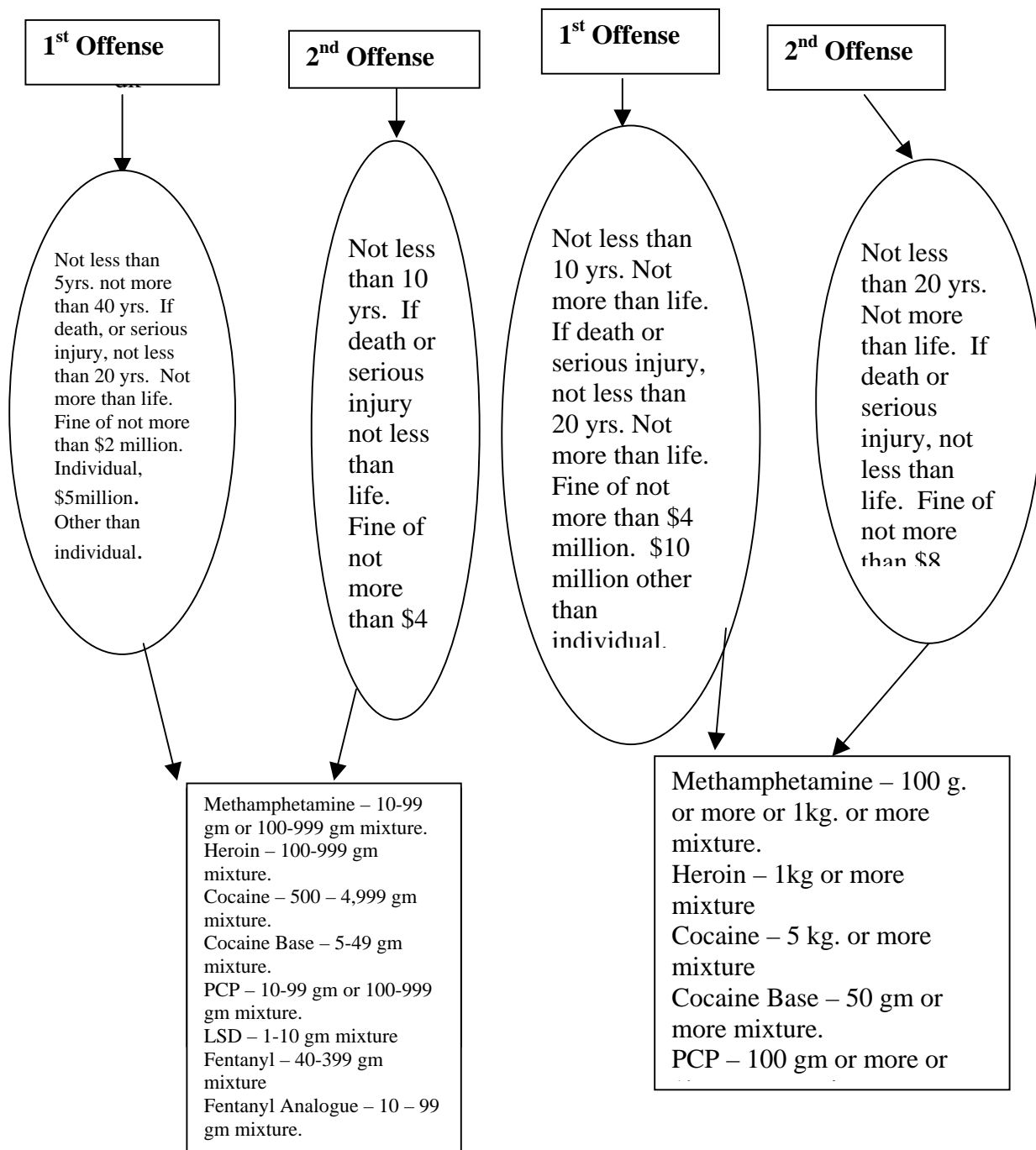
Federal law provides that a drug offense committed within 1,000 feet of school property, including colleges, is punishable by a term of imprisonment and a fine of up to twice the amount authorized for the same offense away from school property. It also provides that a person age 18 or older who distributes a controlled substance to a person under 21 years of age may be sentenced to term of imprisonment and/or a fine of up to twice the amount authorized for distribution to a person over the age of 21.

**FEDERAL TRAFFICKING PENALTIES-MARIJUANA**

Quantity	Description	First Offense	Second Offense
1,000 kg or more or 1,000 or more pounds.	<b>MARIJUANA</b> Mixture containing detectable quantity*	Not less than 10 yrs., not more than life. If death or serious injury, not less than 20 yrs., not more than life. Fine not more than \$4 million individual, \$10 million other than individual.	Not less than 20 yrs., not more than life. If death or serious injury, not less than life. Fine not more than \$8 million individual, \$ 20 million other than individual
100 kg. to 1,000 kg. or 100-999 plants.	<b>MARIJUANA</b> Mixture containing detectable quantity*	Not less than 5 years, not more than 40 years If death or serious injury, not less than 20 years, not more than life. Fine not more than \$2 million individual, \$5 million other than individual	Not less than 10 years, not more than life. If death or serious injury, not less than life. Fine not more \$4 million individual, \$10 million other than individual.
50 to 100 kg.  10 to 100 kg.  1 to 100 kg.  50-99 plants	<b>MARIJUANA</b>  <b>HASHISH</b>  <b>HASHISH OIL</b>  <b>MARIJUANA</b>	Not more than 20 years. If death or serious injury, not less than 20 years, not more than life. Fine \$1 million individual, \$5 million other than individual.	Not more than 30 years. If death or serious injury, life. Fine \$2 million individual, \$10 million other than individual.
Less than 50 kg.  Less than 50 kg.  Less than 1kg.	<b>MARIGJUANA</b>  <b>HASHISH</b>  <b>HASHISH OIL</b>	Not more than 5 years. Fine not more than \$250, 000. \$1million other than individual.	Not more than 10 years. Fine \$500,000, individual. \$2 million other than individual.

\*Includes Hashish and Hashish Oil (Marijuana is a Schedule/Controlled Substance)  
AS OF NOVEMBER 18, 1988

## FEDERAL TRAFFICKING PENALTIES



For more information on Drugs and Drug Trafficking visit:

[www.dea.gov](http://www.dea.gov)

## COMMON DRUGS: SYMPTOMS OF ABUSE

**Marijuana or Hashish** is also known in the street as pot, grass, reefer, weed, Colombian, and many more names. Most often its method of use is smoked and can also be swallowed in solid form. Some symptoms of a user can be a sweet burnt odor, neglect of their appearance, loss of interest, and a possible weight change. If prolonged use happens you can be affected by impaired memory perception, possible damage to lungs, heart and reproduction and immune systems and you can become psychologically dependent.

**Cocaine** is also known on the street as coke, snow, toot, white lady, blow, rock and CRACK. Most often Cocaine is smoked or inhaled but it can also be injected or swallowed in powder or pill or rock form. Some symptoms of users are restlessness, anxiety, and they can suffer from intense short-term highs followed by depression. Prolonged use of this drug can cause intense psychological dependence, sleepiness, anxiety, nasal passage damage, lung damage, and possible death from an overdose.

**Stimulants** are drugs that stimulate the nervous system. Some common drug names are Amphetamines, Dextroamphetamine, Methamphetamine and their street names are speed, uppers, pep pills, bennies, dexies, moth, crystal, black beauties. These drugs can be swallowed in pill form or injected into the veins. Some symptoms are excess activity, irritability, nervousness, mood swings, and needle markings. Some hazards from using these drugs are loss of appetite, hallucinations, paranoia, convulsions, coma, brain damage, and death from an overdose. Another form of stimulants is nicotine, also known as butt, smoke, or coffin nail. You can find nicotine in cigarettes, cigars, pipes, and chewing tobacco. Some symptoms could be stained teeth, smell of tobacco, high carbon monoxide and yellow fingers. Some risks with smoking are cancer of the lungs, throat, mouth and esophagus. You can also suffer from heart disease and emphysema.

**Depressants** are drugs that slow down the central nervous system. Some common drug names are Barbiturates and their street names are barbs, downers, yellow jackets, red devils and blue devils. These drugs can be swallowed in a pill form or injected into the veins. Some symptoms are drowsiness, confusion, impaired judgement, slurred speech, needle marks, and constricted pupils. Prolonged use can cause infection, severe withdrawals when not using, nausea, and death from overdose.

**Narcotics** are natural or synthetic drugs that contain or resemble opium. Some common names are Dilaudid, Percodan, Demerol, Methadone, Codeine, Morphine, and Heroin. These drugs can be taken in pill form by swallowing or injected into the veins. Symptoms of use are drowsiness, lethargy and needle marks. Some hazards of these drugs can be addition with severe withdrawals, loss appetite, and death from overdose.

**Hallucinogens** are drugs that alter perceptions of reality. Some common names are PCP (Phencyclidine), LSD, Mescaline, Psilocybin and some street names are angel dust, killer hog, weed, supergrass, peace pill, acid, cubes, purple haze, mesc, cactus and magic mushrooms. These drugs can be smoked, inhaled (snorted), injected, swallowed in tablets, or swallowed in liquid form. Symptoms from using these drugs are slurred speech, blurred vision, no coordination, confusion, agitation, aggression, dilated pupils, illusions, mood swings, impaired muscle coordination, and judgement. Prolong use can cause anxiety, depression, impaired memory, perception, death from accidents, death from overdose, breaks from reality, emotional breakdown and flashbacks.

**Alcohol** is also known as booze, hooch, juice or brew. This drug is swallowed in liquid form. Some symptoms are impaired muscle coordination and judgement. Prolong use can cause heart and liver damage, death from overdose and accidents, and addiction.

**Inhalants** are substances abused by sniffing. Some common names are gasoline, airplane glue paint thinner, dry cleaner fluid, nitrous oxide, amyl nitrite, butyl nitrite and some street names are laughing gas, whippets, poppers, snapper, rush and locker room. These drugs can be inhaled or sniffed, often with use of a paper or plastic bag, a rag, a mask or a balloon. Some symptoms are poor motor coordination, impaired vision, memory and thought. People can become abusive; suffer from lightheadedness, slowed thought and headache. Long-term use can cause drastic weight loss, brain and liver and bone marrow damage, high risk of sudden death, death by anoxia, neuropathy, muscle weakness and anemia.

**Note:** Taking drugs of any type during pregnancy can be hazardous to the fetus.  
\*Includes lookalike drugs that contain caffeine, phenylpropanolamine (PBA) and ephedrine.

*Adapted from "Children and Drugs", Distributed by Blue Cross and Blue Shield Plans of Vermont and New Hampshire.*

## II. HEALTH RISKS

Drugs and alcohol are toxic to the human body and if abused can have catastrophic health consequences. Some drugs, such as crack, are so toxic that even one experimental use can be fatal.

The following is a summary of the various health risks associated with alcohol abuse and use of specific types of drugs. It is not intended to be an exhaustive or final statement of all possible health consequences of substance abuse.

### A. ALCOHOL USE AND ABUSE

Low doses of alcohol significantly impair the judgement and coordination required to drive a car safely, increasing the likelihood that the driver will be in an accident. Low to moderate doses of alcohol also increases the incidence of a variety of aggressive acts and dangerous risk-taking behavior. Moderate to high doses of alcohol severely alters a person's ability to remember

information. Very high doses cause respiratory depression and death. If combined with other depressants of the central nervous system, much lower doses of alcohol can be fatal. Approximately 50 percent of all youthful deaths from drowning, fires, suicide, and homicide are alcohol related.

Mothers who drink alcohol during pregnancy may give birth to infants with fetal alcohol syndrome (irreversible physical abnormalities and mental retardation).

Dependent persons who suddenly stop drinking are likely to suffer withdrawal symptoms, including severe anxiety, tremors, hallucinations and convulsions.

## **B. USE OF ILLICIT DRUGS**

*“Designer Drugs”* are produced by underground chemist who attempts to avoid legal definitions of controlled substances by altering their molecular structure. These drugs can be several hundred times stronger than the drugs they are designed to imitate. As little as one dose can cause severe neurochemical brain damage and symptoms such as those associated with Parkinson’s disease (uncontrollable tremors, drooling, impaired speech, paralysis and irreversible brain damage).

*Inhalants, solvents, and aerosol sprays* decrease the heart and respiratory rates and impair judgement. Amyl and butyl nitrite causes rapid pulse, headaches, and involuntary passing of urine and feces. Long –term use may result in hepatitis or brain damage. Deeply inhaling vapors, or using large amounts over a short period of time, may result in disorientation, violent behavior, unconsciousness or death. High concentrations of inhalants can cause suffocation by displacing the oxygen in the lungs or by depressing the central nervous system to the point that breathing stops.

*Anabolic Steroid* use in males can cause withered testicles, sterility, and impotence; in females irreversible masculine traits can develop along with breast reduction and sterility. Physical effects in both sexes include jaundice, purple or red spots on the body, swelling of feet or lower legs, trembling, unexplained darkening of skin, and persistent unpleasant breath odor. While some side effects appear quickly, others, such as heart attacks, liver cancer and strokes, may not show up for years.

Drugs distort perception, and this can lead users to harm themselves or others. For specific health risks associated with particular drugs, refer to “Common Drugs: Symptoms of Abuse,” on page 7.

## **III. COUNSELING**

The St. Joseph’s College Office of Counseling and Career Services provides appropriate help in resolving personal problems and concerns. In addition, referrals to outside agencies will be made, when the Director of Counseling and Career Services determines that such referral is in the best interests of the student or employee.

At the Suffolk campus, the Director of Counseling and Career Services can be contacted (631) 447-3200 or (631) 447-3318. The Office of Campus Ministry can be reached at (718) 636-6800.

At the Brooklyn campus, the Director of Counseling and Career Services can be contacted at (718) 636-6800 or (718) 636-6822. The Office of Campus Ministry can be reached at (718) 636-6800.

Students and employees with alcohol and/or substance abuse problems are encouraged to seek help.

The College lists the following agencies, **but makes no recommendation concerning these agencies. The College explicitly denies any liability for anything that may occur in the event A student or employee seeks help from one of these agencies.**

#### **SUFFOLK CAMPUS**

#### ***Community-Based Drug Treatment and Prevention/Education Programs:***

**Town of Babylon Division of Drugs and Alcohol Control**  
400 Broadway Avenue, Amityville, New York  
(631) 789-3700 (Babylon residents only)

**Concepts for Narcotics Prevention**  
Northport, New York  
(631) 261-2670

**Islip Town ACCESS**  
Islip, New York  
(631) 224-5330

**Alternatives Counseling Center**  
Southampton, New York  
(631) 283-4440

#### ***Alcohol and Drug Abuse Services:***

**C.K. Post Alcohol Treatment Center**  
West Brentwood, New York  
(631) 4343-7200

**Catholic Charities**  
PO Box 758, Hampton Bays, New York 11946  
(631) 723-3362 Hotline 952-3333  
Commack, New York (631) 543-6200

**Family Service League**  
514 Middle Country Road  
Middle Island, New York 11746  
(631) 924-3741

**Passages**

315 Route 110, Suite 203  
Huntington Station, New York 11746  
(631)423-7660

**Pederson & Krag Outpatient Alcohol and Drug Abuse Rehabilitation**

240 A Long Island Avenue  
Wyandanch, New York  
(631) 491-6262

**Quannacut Instate – Eastern Long Island Hospital**

Greenport, New York  
(631) 369-8977  
Outpatient (631) 369-8966

**BROOKLYN CAMPUS*****General Referrals*****AA World Services Office ( NY Inter-group)**

(212) 647-1680  
[www.nyintergroup.org](http://www.nyintergroup.org)

**Al-Anon + Al-Ateen Family Group Headquarters**

(212) 941-0094 (Recording with mtg. Locations and times)

**National Council on Alcoholism and Drug Dependence**

(212) 269-7797, (800) 475-4673 (Recording Only)

***Alcohol and Drug Abuse Services*****Kenwood Psychological Services**

Dr. David M. Kelley, Director  
Professional work from private offices located throughout Brooklyn, Manhattan,  
Queens and Nassau. Accepts most insurance  
(212) 744-2121 (Manhattan), (718)359-9215 (Queens)

**New Directions Alcoholism and Substance Abuse Programs**

Brooklyn, New York  
(718) 398-0800

**Catholic Counseling Center**

Dr. George Giuliani, Director  
Provides general psychological counseling, including drug and alcohol related  
problems, at 54 locations throughout Brooklyn, Queens, and Nassau.  
(631) 243-2503 (Recording Only)

**Narco Freedom Methadone Maintenance Treatment Center**  
 217 Court Street  
 Brooklyn, New York  
 (718) 624-7759

**Bridge Back to Life**  
 Accepts most insurance  
 Gary Butchen, Executive Director  
 68-23 Fifth Avenue  
 Brooklyn, New York 11220  
 (718) 384-6400

**El Regreso Inc.**  
 Residential and Ambulatory Programs  
 189 –191 South 2<sup>nd</sup> Street  
 Brooklyn, New York 11211  
 (718) 384-6400

#### IV. GRANT – FUNDED EMPLOYEES

In addition, to the policies and information stated above, employees who are directly engaged in the performance of work pursuant to the provisions of a Federal grant of any amount or a Federal contract of \$25,000 or more are required to report to St. Joseph's College if they are convicted of a criminal alcohol and/or drug related offense occurring on or off College premises while conducting College business no later than 5 days after the conviction. An employee so convicted is also subject to appropriate disciplinary action by the College. The College will notify the contracting or granting Federal agency within 10 days after receiving notice of such conviction.

#### V. NEW YORK STATE VEHICLE AND TRAFFIC

##### **§ 1192. Operating a motor vehicle while under the influence of alcohol or drugs.**

- 1. Driving while ability impaired.** No person shall operate a motor vehicle while the person's ability to operate such motor vehicle is impaired by the consumption of alcohol.
- 2. Driving while intoxicated; per se.** No person shall operate a motor vehicle while such person has .08 of one per centum or more by weight of alcohol in the person's blood as shown by chemical analysis of such person's blood, breath, urine or saliva, made pursuant to the provisions of section eleven hundred ninety-four of this article.
- 3. Driving while intoxicated.** No person shall operate a motor vehicle while in an intoxicated condition.
- 4. Driving while ability impaired by drugs.** No person shall operate a motor vehicle while the person's ability to operate such a motor vehicle is impaired by the use of a drug as defined in this chapter.
- 5. Commercial motor vehicles: per se - level I.** Notwithstanding the provisions of section eleven hundred ninety-five of this article, no person shall operate a commercial motor vehicle while such person has .04 of one per centum or more but not more than .07 of one per centum by weight of alcohol in the person's blood as shown by chemical analysis of such person's blood, breath, urine or saliva, made pursuant to the provisions of section eleven hundred ninety-four of this article;

provided, however, nothing contained in this subdivision shall prohibit the imposition of a charge of a violation of subdivision one of this section, or of section eleven hundred ninety-two-a of this article where a person under the age of twenty-one operates a commercial motor vehicle where a chemical analysis of such person's blood, breath, urine, or saliva, made pursuant to the provisions of section eleven hundred ninety-four of this article, indicates that such operator has .02 of one per centum or more but less than .04 of one per centum by weight of alcohol in such operator's blood.

**6. Commercial motor vehicles; per se - level II.** Notwithstanding the provisions of section eleven hundred ninety-five of this article, no person shall operate a commercial motor vehicle while such person has more than .07 of one per centum but less than .08 of one per centum by weight of alcohol in the person's blood as shown by chemical analysis of such person's blood, breath, urine or saliva, made pursuant to the provisions of section eleven hundred ninety-four of this article; provided, however, nothing contained in this subdivision shall prohibit the imposition of a charge of a violation of subdivision one of this section.

**7. Where applicable.** The provisions of this section shall apply upon public highways, private roads open to motor vehicle traffic and any other parking lot. For the purposes of this section "parking lot" shall mean any area or areas of private property, including a driveway, near or contiguous to and provided in connection with premises and used as a means of access to and egress from a public highway to such premises and having a capacity for the parking of four or more motor vehicles. The provisions of this section shall not apply to any area or areas of private property comprising all or part of property on which is situated a one or two family residence.

**8. Effect of prior out-of-state conviction.** A prior out-of-state conviction for operating a motor vehicle while under the influence of alcohol or drugs shall be deemed to be a prior conviction of a violation of subdivision one of this section for purposes of determining penalties imposed under this section or for purposes of any administrative action required to be taken pursuant to subdivision two of section eleven hundred ninety-three of this article; provided, however, that such conduct, had it occurred in this state, would have constituted a violation of any of the provisions of this section. This subdivision shall only apply to convictions occurring on or after November twenty-ninth, nineteen hundred eighty-five.

**8-a. Effect of prior finding of having consumed alcohol.** A prior finding that a person under the age of twenty-one has operated a motor vehicle after having consumed alcohol pursuant to section eleven hundred ninety-four-a of this article shall have the same effect as a prior conviction of a violation of subdivision one of this section solely for the purpose of determining the length of any license suspension or revocation required to be imposed under any provision of this article, provided that the subsequent offense is committed prior to the expiration of the retention period for such prior offense or offenses set forth in paragraph (k) of subdivision one of section two hundred one of this chapter.

**9. Conviction of a different charge.** A driver may be convicted of a violation of subdivision one, two or three of this section, notwithstanding that the charge laid before the court alleged a violation of subdivision two or three of this section, and regardless of whether or not such conviction is based on a plea of guilty.

**§ 1192-a. Operating a motor vehicle after having consumed alcohol; under the age of twenty-one; per se.**

**No person under the age of twenty-one shall operate a motor vehicle after having consumed alcohol as defined in this section.** For purposes of this section, a person under the age of twenty-one is deemed to have consumed alcohol only if such person has .02 of one per centum or more but not more than .07 of one per centum by weight of alcohol in the person's blood, as shown by chemical analysis of such person's blood, breath, urine or saliva, made pursuant to the provisions of section eleven hundred ninety-four of this article. Any person who operates a motor vehicle in violation of this section, and who is not charged with a violation of any subdivision of section eleven hundred ninety-two of this article arising out of the same incident shall be referred to the department for action

in accordance with the provisions of section eleven hundred ninety-four-a of this article. Except as otherwise provided in subdivision five of section eleven hundred ninety-two of this article, this section shall not apply to a person who operates a commercial motor vehicle. Notwithstanding any provision of law to the contrary, a finding that a person under the age of twenty-one operated a motor vehicle after having consumed alcohol in violation of this section is not a judgment of conviction for a crime or any other offense.

**§ 1193. Sanctions.**

**1. Criminal penalties.**

**(a) Driving while ability impaired.** A violation of subdivision one of section eleven hundred ninety-two of this article shall be a traffic infraction and shall be punishable by a fine of not less than three hundred dollars nor more than five hundred dollars or by imprisonment in a penitentiary or county jail for not more than fifteen days, or by both such fine and imprisonment. A person who operates a vehicle in violation of such subdivision after having been convicted of a violation of any subdivision of section eleven hundred ninety-two of this article within the preceding five years shall be punished by a fine of not less than five hundred dollars nor more than seven hundred fifty dollars, or by imprisonment of not more than thirty days in a penitentiary or county jail or by both such fine and imprisonment. A person who operates a vehicle in violation of such subdivision after having been convicted two or more times of a violation of any subdivision of section eleven hundred ninety-two of this article within the preceding ten years shall be guilty of a misdemeanor, and shall be punished by a fine of not less than seven hundred fifty dollars nor more than fifteen hundred dollars, or by imprisonment of not more than one hundred eighty days in a penitentiary or county jail or by both such fine and imprisonment.

**(b) Driving while intoxicated or while ability impaired by drugs; misdemeanor offenses.** A violation of subdivision two, three or four of section eleven hundred ninety-two of this article shall be a misdemeanor and shall be punishable by a fine of not less than five hundred dollars nor more than one thousand dollars, or by imprisonment in a penitentiary or county jail for not more than one year, or by both such fine and imprisonment.

**(c) Felony offenses.** (i) A person who operates a vehicle in violation of subdivision two, three or four of section eleven hundred ninety-two of this article after having been convicted of a violation of subdivision two, three or four of such section or of vehicular assault in the second or first degree, as defined, respectively, in sections 120.03 and 120.04 of the penal law or of vehicular manslaughter in the second or first degree, as defined, respectively, in sections 125.12 and 125.13 of such law, within the preceding ten years, shall be guilty of a class E felony, and shall be punished by a fine of not less than one thousand dollars nor more than five thousand dollars or by a period of imprisonment as provided in the penal law, or by both such fine and imprisonment. (ii) A person who operates a vehicle in violation of subdivision two, three or four of section eleven hundred ninety-two of this article after having been convicted of a violation of subdivision two, three or four of such section or of vehicular assault in the second or first degree, as defined, respectively, in sections 120.03 and 120.04 of the penal law or of vehicular manslaughter in the second or first degree, as defined, respectively, in sections 125.12 and 125.13 of such law, twice within the preceding ten years, shall be guilty of a class D felony, and shall be punished by a fine of not less than two thousand dollars nor more than ten thousand dollars or by a period of imprisonment as provided in the penal law, or by both such fine and imprisonment. (7)(f) Where the court imposes a sentence for a violation of section eleven hundred ninety-two of this article, the court may require the defendant, as a part of or as a condition of such sentence, to attend a single session conducted by a victims impact program. For purposes of this section, "victims impact program" means a program operated by a county, a city with a population of one million or more, by a not-for-profit organization authorized by any such county or city, or a combination thereof, in which presentations are made concerning the impact of operating a motor vehicle while under the influence of alcohol or drugs to one or more persons who have been convicted of such offenses. A description of any such program shall be filed with the commissioner and with the coordinator of the special traffic options program for

driving while intoxicated established pursuant to section eleven hundred ninety-seven of this article, and shall be made available to the court upon request. Nothing contained herein shall be construed to require any governmental entity to create such a victim impact program.

**2. License sanctions. (a) Suspensions.** Except as otherwise provided in this subdivision, a license shall be suspended and a registration may be suspended for the following periods:

**(1) Driving while ability impaired.** Ninety days, where the holder is convicted of a violation of subdivision one of section eleven hundred ninety-two of this article;

**(2) Persons under the age of twenty-one; driving after having consumed alcohol.** Six months, where the holder has been found to have operated a motor vehicle after having consumed alcohol in violation of section eleven hundred ninety-two-a of this article where such person was under the age of twenty-one at the time of commission of such violation.

**(b) Revocations.** A license shall be revoked and a registration may be revoked for the following minimum periods:

**(1) Driving while ability impaired; prior offense.** Six months, where the holder is convicted of a violation of subdivision one of section eleven hundred ninety-two of this article committed within five years of a conviction for a violation of any subdivision of section eleven hundred ninety-two of this article.

**(1-a) Driving while ability impaired; misdemeanor offense.** Six months, where the holder is convicted of a violation of subdivision one of section eleven hundred ninety-two of this article committed within ten years of two previous convictions for a violation of any subdivision of section eleven hundred ninety-two of this article.

**(2) Driving while intoxicated or while ability impaired by drugs.** Six months, where the holder is convicted of a violation of subdivision two, three or four of section eleven hundred ninety-two of this article.

**(3) Driving while intoxicated or while ability impaired by drugs; prior offense.** One year, where the holder is convicted of a violation of subdivision two, three or four of section eleven hundred ninety-two of this article committed within ten years of a conviction for a violation of subdivision two, three or four of section eleven hundred ninety-two of this article.

**(6) Persons under the age of twenty-one.** One year, where the holder is convicted of or adjudicated a youthful offender for a violation of any subdivision of section eleven hundred ninety-two of this article, or is convicted of or receives a youthful offender or other juvenile adjudication for an offense consisting of operating a motor vehicle under the influence of intoxicating liquor where the conviction, or youthful offender or other juvenile adjudication was had outside this state, where such person was under the age of twenty-one at the time of commission of such violation.

**(7) Persons under the age of twenty-one; prior offense or finding.** One year or until the holder reaches the age of twenty-one, whichever is the greater period of time, where the holder has been found to have operated a motor vehicle after having consumed alcohol in violation of section eleven hundred ninety-two-a of this article, or is convicted

of, or adjudicated a youthful offender for, a violation of any subdivision of section eleven hundred ninety-two of this article, or is convicted of or receives a youthful offender or juvenile adjudication for an offense consisting of operating a motor vehicle under the influence of intoxicating liquor where the conviction, or youthful offender or other juvenile adjudication was had outside this state, where such person was under the age of twenty-one at the time of commission of such violation and has previously been found to have operated a motor vehicle after having consumed alcohol in violation of section eleven hundred ninety-two-a of this article, or has previously been convicted of, or adjudicated a youthful offender for, any violation of section eleven hundred ninety-two of this article not arising out of the same incident, or has previously been convicted of or received a youthful offender or juvenile adjudication for an offense consisting of operating a motor vehicle under the influence of intoxicating liquor when the conviction, or youthful offender or other juvenile adjudication was had outside this state and not arising out of the same.

**(8) Out-of-state offenses.** Except as provided in subparagraph six or seven of the paragraph: (i) ninety days, where the holder is convicted of an offense consisting of operating a motor vehicle under the influence of intoxicating liquor where the conviction was had outside this state and (ii) six months, where the holder is convicted of, or receives a youthful offender or other juvenile adjudication, which would have been a misdemeanor or felony if committed by an adult, in connection with, an offense consisting of operating a motor vehicle under the influence of or while impaired by the use of drugs where the conviction or youthful offender or other juvenile adjudication was had outside this state.

**§ 1197. Special traffic options program for driving while intoxicated. [STOP-DWI]**

"The program", as used in this section, shall mean the special traffic options program for driving while intoxicated, a program established pursuant to this section, and approved by the commissioner of motor vehicles.

**1. Program establishment.** (a) Where a county establishes a special traffic options program for driving while intoxicated, pursuant to this section, it shall receive fines and forfeitures collected by any court, judge, magistrate or other officer within that county, including, where appropriate, a hearing officer acting on behalf of the commissioner.

**2. Purposes.**

- (a) The program shall provide a plan for coordination of county, town, city and village efforts to reduce alcohol-related traffic injuries and fatalities.
- (b) The program shall, where approved by the county board or other governing body, provide funding for such activities as the board or other body may approve, for the above-described purposes.

**4. Duties of the coordinator; reports.**

- (a) It shall be the duty of the coordinator to:
  - (1) Render annually or at the request of the county legislature or other governing body of the county, a verified account of all moneys received and expended by the coordinator or under the coordinator's direction and an account of other pertinent matters.
  - (2) Submit annually or upon request of the chief fiscal officer of each county participating in the program, in such manner as may be required by law, an estimate of the funds required to carry out the purposes of this section.
  - (3) Make an annual report to the commissioner, which shall be due on or before the first day of April of each year following the implementation of said program, and shall include the following:
    - a. the progress, problems and other matters related to the administration of said

program; and

b. an assessment of the effectiveness of the program within the geographic area of the county participating therein and any and all recommendations for expanding and improving said program.

(b) Any annual report shall also contain the following, in a form prescribed by the commissioner:

- (1) Number of arrests for violations of section eleven hundred ninety-two of this article and subdivision two of section five hundred eleven of this chapter;
- (2) Number and description of dispositions resulting therefrom;
- (3) Number of suspensions issued in the county for alleged refusals to submit to chemical tests;
- (4) Total fine moneys returned to the participating county in connection with the program;
- (5) Contemplated programs;
- (6) Distribution of moneys in connection with program administration;
- (7) Any other information required by the commissioner.

### **5. Functions of the coordinator.**

In addition to the duties of the coordinator as provided in subdivision four of this section, the coordinator shall perform the following functions:

- (a) Formulate a special traffic options program for driving while intoxicated and coordinate efforts of interested parties and agencies engaged in alcohol traffic safety, law enforcement, adjudication, rehabilitation and preventive education.
- (b) Receive proposals from county, town, city or village agencies or non-governmental groups for activities related to alcohol traffic safety and to submit them to the county board of legislators or other such governing body, together with a recommendation for funding of the activity if deemed appropriate.
- (c) Cooperate with and assist local officials within the county in the formulation and execution of alcohol traffic safety programs including enforcement, adjudication, rehabilitation and education.
- (d) Study alcohol traffic safety problems with the county and recommend to the appropriate legislative bodies, departments or commissions, such changes in rules, orders, regulations and existing law as the coordinator may deem advisable.
- (e) Promote alcohol and drug-related traffic safety education for drivers.
- (f) Obtain and assemble data on alcohol-related accident arrests, convictions and accidents and to analyze, study, and consolidate such data for educational, research and informational purposes

### **Sec. 1227. Consumption or possession of alcoholic beverages in certain motor vehicles.**

1. The drinking of alcoholic beverages, or possession of an open container containing an alcoholic beverage, in a motor vehicle located upon the public highways or right-of-way public highway is prohibited. Any operator or passenger violating this section shall be guilty of a traffic infraction. The provisions of this section shall not be deemed to prohibit the drinking of alcoholic beverages or possession of an open container containing an alcoholic beverage by passengers in passenger vehicles operated pursuant to a certificate or permit issued by the department of transportation or the United States department of transportation.

2. For the purposes of this section, a passenger vehicle shall mean a vehicle designed to carry ten or more passengers and used to carry passengers for profit or hire.