### New York State Fact Sheet on Aggravated DWI (ADWI): 2019 – 2021 (TSLED Only)

## Provisions of ADWI Law

- ✓ BAC: 0.18% or higher
- ✓ Fine: \$1,000 \$2,500
- ✓ Jail: Not more than one year
- ✓ License Action: Revocation for at least 1 year
- Plea to lesser charge of DWI: Mandatory IDP participation, assessment and treatment, if required
- Convicted of 1192.2a & sentenced to probation: Mandatory ignition interlock

#### Drivers Arrested for Impaired Driving by BAC

|                      | 2019<br>N=31,456 | 2020<br>N=22,291 | 2021<br>N=24,761 |
|----------------------|------------------|------------------|------------------|
| BAC >0.0 & < 0.18    | 51.9%            | 48.1%            | 46.4%            |
| BAC <u>&gt;</u> 0.18 | 20.6%            | 21.2%            | 21.2%            |
| BAC Unk              | 27.5%            | 30.6%            | 32.4%            |
| Mean BAC             | 0.1491           | 0.1522           | 0.1534           |

#### Drivers Arrested with a BAC ≥ 0.18 By Section of VTL 1192



# Drivers with a BAC $\geq$ 0.18 Arrested for ADWI and Convicted Conviction Charge



Convicted as Charged (ADWI - 1192.2a)

Convicted on Other 1192 Charge

Convicted on Charge from Other Arrest/On non-impairment violation

#### Drivers Arrested for ADWI and Convicted of ADWI Penalties, Sanctions and Fines

|                               | 2019 (N=1,335) | 2020 (N=939) | 2021 (N=743) |
|-------------------------------|----------------|--------------|--------------|
| License Revocation            | 98%            | 98%          | 98%          |
| Probation                     | 48%            | 41%          | 34%          |
| Probation Only                | 1%             | 1%           | 1%           |
| Probation + Interlock         | 47%            | 40%          | 33%          |
| Interlock only (No Probation) | 50%            | 58%          | 62%          |
| DDP                           | 9%             | 10%          | 8%           |
| Victim Impact Panel           | 23%            | 25%          | 29%          |
| Jail                          | 16%            | 12%          | 9%           |
| Fine Known                    | 2019 (N=965)   | 2020 (N=691) | 2021 (N=420) |
| \$0 - \$999                   | 8%             | 8%           | 8%           |
| \$1,000 - \$1,499             | 70%            | 73%          | 74%          |
| \$1,500 - \$2,500             | 22%            | 19%          | 18%          |
| More than \$2,500             | <1%            | 0%           | <1%          |

Source: NYS DMV TSLED system; TSLED covers all areas of the state except for New York City. Institute for Traffic Safety Management and Research, December 2022