

568

2011-2012 Regular Sessions

I N   S E N A T E

(PREFILED)

January 5, 2011

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Introduced by Sen. ROBACH -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the penal law, in relation to aggravated vehicular assault and vehicular murder

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. The penal law is amended by adding a new section 120.09 to  
2     read as follows:  
3     S 120.09 AGGRAVATED VEHICULAR ASSAULT.  
4     A PERSON IS GUILTY OF AGGRAVATED VEHICULAR ASSAULT WHEN HE RECKLESSLY  
5     CAUSES SERIOUS PHYSICAL INJURY TO ANOTHER PERSON BY OPERATION OF A VEHIC-  
6     LE IN VIOLATION OF SUBDIVISION TWO, THREE OR FOUR OF SECTION ELEVEN  
7     HUNDRED NINETY-TWO OF THE VEHICLE AND TRAFFIC LAW OR BY OPERATION OF A  
8     VESSEL OR PUBLIC VESSEL IN VIOLATION OF PARAGRAPH (B), (C), (D) OR (E)  
9     OF SUBDIVISION TWO OF SECTION FORTY-NINE-A OF THE NAVIGATION LAW OR BY  
10    OPERATION OF A SNOWMOBILE IN VIOLATION OF PARAGRAPH (B), (C) OR (D) OF  
11    SUBDIVISION ONE OF SECTION 25.24 OF THE PARKS, RECREATION AND HISTORIC  
12    PRESERVATION LAW OR BY OPERATION OF AN ALL TERRAIN VEHICLE AS DEFINED IN  
13    PARAGRAPH (A) OF SUBDIVISION ONE OF SECTION TWENTY-TWO HUNDRED  
14    EIGHTY-ONE OF THE VEHICLE AND TRAFFIC LAW IN VIOLATION OF SUBDIVISION  
15    TWO, THREE OR FOUR OF SECTION ELEVEN HUNDRED NINETY-TWO OF THE VEHICLE  
16    AND TRAFFIC LAW.  
17    AGGRAVATED VEHICULAR ASSAULT IS A CLASS C FELONY.  
18    S 2. The penal law is amended by adding a new section 125.30 to read  
19    as follows:  
20    S 125.30 VEHICULAR MURDER.  
21    A PERSON IS GUILTY OF VEHICULAR MURDER WHEN HE RECKLESSLY CAUSES THE  
22    DEATH OF ANOTHER PERSON BY OPERATION OF A VEHICLE IN VIOLATION OF SUBDI-  
23    VISION TWO, THREE OR FOUR OF SECTION ELEVEN HUNDRED NINETY-TWO OF THE  
24    VEHICLE AND TRAFFIC LAW OR BY OPERATION OF A VESSEL OR PUBLIC VESSEL IN

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

LBD01990-01-1

1 VIOLATION OF PARAGRAPH (B), (C), (D), OR (E) OF SUBDIVISION TWO OF  
2 SECTION FORTY-NINE-A OF THE NAVIGATION LAW OR BY OPERATION OF A SNOWMO-  
3 BILE IN VIOLATION OF PARAGRAPH (B), (C) OR (D) OF SUBDIVISION ONE OF  
4 SECTION 25.24 OF THE PARKS, RECREATION AND HISTORIC PRESERVATION LAW OR  
5 BY OPERATION OF AN ALL TERRAIN VEHICLE AS DEFINED IN PARAGRAPH (A) OF  
6 SUBDIVISION ONE OF SECTION TWENTY-TWO HUNDRED EIGHTY-ONE OF THE VEHICLE  
7 AND TRAFFIC LAW IN VIOLATION OF SUBDIVISION TWO, THREE OR FOUR OF  
8 SECTION ELEVEN HUNDRED NINETY-TWO OF THE VEHICLE AND TRAFFIC LAW.  
9 VEHICULAR MURDER IS A CLASS B FELONY.  
10 S 3. This act shall take effect on the first of November next succeed-  
11 ing the date on which it shall have become a law.