S T A T E O F N E W Y O R K

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I N A S S E M B L Y

May 5, 2010

Introduced by M. of A. BALL -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to requiring the sentences of imprisonment for convictions of driving under the influence of alcohol or drugs related to assault and homicide offenses committed through the same act or omission to run consecutively; and to repeal certain provisions of such law relating to multiple injuries and death

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

Section 1. The opening paragraph of subdivision 1 of section 70.25 of the penal law, as amended by chapter 372 of the laws of 1981, is amended to read as follows:

Except as provided in subdivisions two, two-a [and], five AND SIX of this section, when multiple sentences of imprisonment are imposed on a person at the same time, or when a person who is subject to any undischarged term of imprisonment imposed at a previous time by a court of this state is sentenced to an additional term of imprisonment, the sentence or sentences imposed by the court shall run either concurrently or consecutively with respect to each other and the undischarged term or terms in such manner as the court directs at the time of sentence. If the court does not specify the manner in which a sentence imposed by it is to run, the sentence shall run as follows:

S 2. Section 70.25 of the penal law is amended by adding a new subdivision 6 to read as follows:

6. WHEN A PERSON IS CONVICTED OF A COUNT OF VEHICULAR ASSAULT IN THE SECOND DEGREE, AS DEFINED IN SECTION 120.03 OF THIS CHAPTER, VEHICULAR ASSAULT IN THE FIRST DEGREE, AS DEFINED IN SECTION 120.04 OF THIS CHAPTER, AGGRAVATED VEHICULAR ASSAULT, AS DEFINED IN SECTION 120.04-A OF THIS CHAPTER, VEHICULAR MANSLAUGHTER IN THE SECOND DEGREE, AS DEFINED IN SECTION 125.12 OF THIS CHAPTER, VEHICULAR MANSLAUGHTER IN THE FIRST DEGREE, AS DEFINED IN SECTION 125.13 OF THIS CHAPTER, OR AGGRAVATED VEHICULAR HOMICIDE, AS DEFINED IN SECTION 125.14 OF THIS CHAPTER, A TERM OF IMPRISONMENT SHALL BE IMPOSED AS A SENTENCE UPON SUCH CONVICTION, WHICH SHALL RUN CONSECUTIVELY TO ANY OTHER TERM OF IMPRISONMENT IMPOSED

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

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AS THE SENTENCE UPON THE CONVICTION OF ANY ADDITIONAL COUNT OF SUCH OR ANY OTHER OFFENSE COMMITTED THROUGH THE SAME ACT OR OMISSION.

S 3. Subdivision 4 of section 120.04 of the penal law is REPEALED.

S 4. Subdivision 4 of section 120.04-a of the penal law is REPEALED.

S 5. Subdivision 4 of section 125.13 of the penal law is REPEALED.

S 6. Subdivisions 4 and 5 of section 125.14 of the penal law are REPEALED.

S 7. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.