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

2771

2009-2010 Regular Sessions

I N A S S E M B L Y

January 21, 2009

Introduced by M. of A. KOLB, ERRIGO, WALKER, McKEVITT, MOLINARO -- Multi-Sponsored by -- M. of A. CALHOUN, CROUCH, OAKS, REILICH -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to establishing the offense of vehicular obstruction of governmental administration

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

Section 1. The penal law is amended by adding a new section 195.09 to read as follows:

S 195.09 VEHICULAR OBSTRUCTION OF GOVERNMENTAL ADMINISTRATION.

A PERSON IS GUILTY OF VEHICULAR OBSTRUCTION OF GOVERNMENTAL ADMINISTRATION WHEN, WITH THE INTENT OF PREVENTING A POLICE OFFICER OR PEACE OFFICER FROM PERFORMING A LAWFUL DUTY, SUCH PERSON FAILS TO RESPOND TO SUCH OFFICER'S VISUAL OR AUDIBLE DIRECTION OR INSTRUCTION TO PULL OVER AND STOP THE PERSON'S VEHICLE OR BY STOPPING AND SUBSEQUENTLY DRIVING AWAY PRIOR TO COMPLETION OF THE OFFICER'S INQUIRY.

VEHICULAR OBSTRUCTION OF GOVERNMENTAL ADMINISTRATION IS A CLASS D FELONY.

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

2-H. WHENEVER A PERSON IS CONVICTED OF VEHICULAR OBSTRUCTION OF GOVERNMENTAL ADMINISTRATION AS DEFINED IN SECTION 195.09 OF THIS CHAPTER AND ANY OTHER OFFENSE DEFINED IN THIS CHAPTER OR THE VEHICLE AND TRAFFIC LAW, THE SENTENCES FOR SUCH OFFENSES SHALL RUN CONSECUTIVELY.

S 3. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.

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

LBD03692-01-9