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

3360

2009-2010 Regular Sessions

I N A S S E M B L Y

January 27, 2009

Introduced by M. of A. EDDINGTON, BRADLEY, CAHILL, CUSICK, ENGLEBRIGHT -- read once and referred to the Committee on Codes

AN ACT to amend the executive law, in relation to establishing a motor vehicle collision reconstruction unit; and to amend the county law, in relation to allowing the district attorney to designate certain crimes to the vehicular crimes prosecutor

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

Section 1. The executive law is amended by adding a new section 223-a to read as follows:

S 223-A. MOTOR VEHICLE COLLISION RECONSTRUCTION UNIT. THE SUPERINTENDENT SHALL ESTABLISH A MOTOR VEHICLE COLLISION RECONSTRUCTION UNIT WITHIN THE DIVISION OF STATE POLICE. SUCH UNIT SHALL HAVE THE FOLLOWING DUTIES AND POWERS:

1. TO CONDUCT MOTOR VEHICLE COLLISION RECONSTRUCTIONS AND ASSIST IN INVESTIGATIONS INVOLVING MOTOR VEHICLE COLLISIONS WITHIN THE JURISDICTION OF THE DIVISION; AND

2. TO COOPERATE WITH AND ASSIST DISTRICT ATTORNEYS AND OTHER LOCAL LAW ENFORCEMENT OFFICIALS IN THEIR EFFORTS TO INVESTIGATE AND RECONSTRUCT MOTOR VEHICLE COLLISIONS. THE UNIT SHALL PROVIDE SUCH ASSISTANCE ONLY UPON THE REQUEST OF DISTRICT ATTORNEYS AND LOCAL LAW ENFORCEMENT OFFICIALS.

S 2. Section 702 of the county law is amended by adding a new subdivision 7 to read as follows:

7. THE DISTRICT ATTORNEY SHALL DESIGNATE EITHER HIMSELF OR HERSELF, AND/OR AT LEAST ONE ASSISTANT AS A VEHICULAR CRIMES PROSECUTOR TO CONDUCT PROSECUTIONS OF CRIMES COMMITTED PURSUANT TO SECTIONS 120.03, 120.04, 125.12, AND 125.13 OF THE PENAL LAW AND ANY VIOLATION OF SECTION FIVE HUNDRED ELEVEN OR FIVE HUNDRED ELEVEN-A OR TITLE SIX OR TITLE SEVEN OF THE VEHICLE AND TRAFFIC LAW CONSTITUTING A MISDEMEANOR OR FELONY.

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

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S 3. This act shall take effect on the one hundred eightieth day after it shall have become a law.