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

5357

2009-2010 Regular Sessions

I N A S S E M B L Y

February 13, 2009

Introduced by M. of A. SPANO, BROOK-KRASNY, ABBATE, JOHN -- Multi-Sponsored by -- M. of A. CROUCH, GABRYSZAK, WEISENBERG -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to eluding a police officer

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 three new sections 205.35, 205.40 and 205.45 to read as follows:

S 205.35 ELUDING A POLICE OFFICER IN THE THIRD DEGREE.

A PERSON IS GUILTY OF ELUDING A POLICE OFFICER IN THE THIRD DEGREE WHEN HE OR SHE KNOWINGLY ELUDES OR ATTEMPTS TO ELUDE A POLICE OFFICER WHILE OPERATING A MOTOR VEHICLE, WHILE RIDING IN A MOTOR VEHICLE OPERATED BY ANOTHER PERSON, THROUGH THE USE OF PUBLIC TRANSPORTATION OR ON FOOT, AND KNOWS OR REASONABLY SHOULD KNOW THAT HE OR SHE IS BEING PURSUED BY SUCH POLICE OFFICER, AND THEREBY CAUSES A RISK TO THE SAFETY OF THE GENERAL PUBLIC.

ELUDING A POLICE OFFICER IN THE THIRD DEGREE IS A CLASS A MISDEMEANOR.

S 205.40 ELUDING A POLICE OFFICER IN THE SECOND DEGREE.

A PERSON IS GUILTY OF ELUDING A POLICE OFFICER IN THE SECOND DEGREE WHEN HE OR SHE COMMITS THE CRIME OF ELUDING A POLICE OFFICER IN THE THIRD DEGREE, AND PHYSICAL INJURY TO ANOTHER PERSON RESULTS THEREFROM.

ELUDING A POLICE OFFICER IN THE SECOND DEGREE IS A CLASS E FELONY.

S 205.45 ELUDING A POLICE OFFICER IN THE FIRST DEGREE.

A PERSON IS GUILTY OF ELUDING A POLICE OFFICER IN THE FIRST DEGREE WHEN HE OR SHE COMMITS THE CRIME OF ELUDING A POLICE OFFICER IN THE SECOND DEGREE, AND SERIOUS PHYSICAL INJURY OR DEATH TO ANOTHER PERSON RESULTS THEREFROM.

ELUDING A POLICE OFFICER IN THE FIRST DEGREE IS A CLASS D FELONY.

S 2. 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.

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