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

9458

I N A S S E M B L Y

(PREFILED)

January 6, 2010

Introduced by M. of A. FIELDS -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to increasing the penalties for driving with a suspended or revoked license

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

Section 1. Paragraph (b) of subdivision 1, paragraph (b) of subdivision 2 and paragraph (b) of subdivision 3 of section 511 of the vehicle and traffic law, paragraph (b) of subdivision 1 and paragraph (b) of subdivision 2 as amended by chapter 607 of the laws of 1993 and paragraph (b) of subdivision 3 as separately amended by chapters 786 and 892 of the laws of 1990, are amended to read as follows:

(b) Aggravated unlicensed operation of a motor vehicle in the third degree is a misdemeanor. When a person is convicted of this offense, the sentence of the court must be: (i) a fine of not less than [two] FIVE hundred dollars nor more than [five hundred] ONE THOUSAND dollars; or (ii) a term of imprisonment of not more than thirty days; or (iii) both such fine and imprisonment.

(b) Aggravated unlicensed operation of a motor vehicle in the second degree is a misdemeanor. When a person is convicted of this crime under subparagraph (i) of paragraph (a) of this subdivision, the sentence of the court must be: (i) a fine of not less than [five hundred] ONE THOUSAND dollars[; and] NOR MORE THAN FIVE THOUSAND DOLLARS; AND/OR (ii) a term of imprisonment not to exceed one hundred eighty days; or (iii) where appropriate a sentence of probation as provided in subdivision six of this section; or (iv) a term of imprisonment as a condition of a sentence of probation as provided in the penal law and consistent with this section. When a person is convicted of this crime under subparagraph (ii), (iii) or (iv) of paragraph (a) of this subdivision, the sentence of the court must be: (i) a fine of not less than five hundred dollars nor more than one thousand dollars; and (ii) a term of imprisonment of not less than seven days nor more than one hundred eighty days, or (iii) where appropriate a sentence of probation as provided in subdi-

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

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vision six of this section; or (iv) a term of imprisonment as a condition of a sentence of probation as provided in the penal law and consistent with this section.

(b) Aggravated unlicensed operation of a motor vehicle in the first degree is a class E felony. When a person is convicted of this crime, the sentence of the court must be: (i) [a fine in an amount not less than five hundred dollars nor more than five thousand dollars; and (ii)] a term of imprisonment [as provided in the penal law,] NOT LESS THAN ONE YEAR AND NOT TO EXCEED FOUR YEARS; OR (II) A TERM OF IMPRISONMENT AS PROVIDED IN SUBDIVISION FOUR OF SECTION 70.00 OF THE PENAL LAW; or (iii) where appropriate and a term of imprisonment is not required by the penal law, a sentence of probation as provided in subdivision six of this section, or (iv) a term of imprisonment as a condition of a sentence of probation as provided in the penal law.

S 2. This act shall take effect immediately.