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

1198

2009-2010 Regular Sessions

I N S E N A T E

January 27, 2009

Introduced by Sen. ROBACH -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the penal law, in relation to aggravated vehicular assault and vehicular murder

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 120.09 to read as follows:

S 120.09 AGGRAVATED VEHICULAR ASSAULT.

A PERSON IS GUILTY OF AGGRAVATED VEHICULAR ASSAULT WHEN HE RECKLESSLY CAUSES SERIOUS PHYSICAL INJURY TO ANOTHER PERSON BY OPERATION OF A VEHICLE IN VIOLATION OF SUBDIVISION TWO, THREE OR FOUR OF SECTION ELEVEN HUNDRED NINETY-TWO OF THE VEHICLE AND TRAFFIC LAW OR BY OPERATION OF A VESSEL OR PUBLIC VESSEL IN VIOLATION OF PARAGRAPH (B), (C), (D) OR (E) OF SUBDIVISION TWO OF SECTION FORTY-NINE-A OF THE NAVIGATION LAW OR BY OPERATION OF A SNOWMOBILE IN VIOLATION OF PARAGRAPH (B), (C) OR (D) OF SUBDIVISION ONE OF SECTION 25.24 OF THE PARKS, RECREATION AND HISTORIC PRESERVATION LAW OR BY OPERATION OF AN ALL TERRAIN VEHICLE AS DEFINED IN PARAGRAPH (A) OF SUBDIVISION ONE OF SECTION TWENTY-TWO HUNDRED EIGHTY-ONE OF THE VEHICLE AND TRAFFIC LAW IN VIOLATION OF SUBDIVISION TWO, THREE OR FOUR OF SECTION ELEVEN HUNDRED NINETY-TWO OF THE VEHICLE AND TRAFFIC LAW.

AGGRAVATED VEHICULAR ASSAULT IS A CLASS C FELONY.

S 2. The penal law is amended by adding a new section 125.30 to read as follows:

S 125.30 VEHICULAR MURDER.

A PERSON IS GUILTY OF VEHICULAR MURDER WHEN HE RECKLESSLY CAUSES THE DEATH OF ANOTHER PERSON BY OPERATION OF A VEHICLE IN VIOLATION OF SUBDIVISION TWO, THREE OR FOUR OF SECTION ELEVEN HUNDRED NINETY-TWO OF THE VEHICLE AND TRAFFIC LAW OR BY OPERATION OF A VESSEL OR PUBLIC VESSEL IN VIOLATION OF PARAGRAPH (B), (C), (D), OR (E) OF SUBDIVISION TWO OF

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

LBD03290-01-9

SECTION FORTY-NINE-A OF THE NAVIGATION LAW OR BY OPERATION OF A SNOWMOBILE IN VIOLATION OF PARAGRAPH (B), (C) OR (D) OF SUBDIVISION ONE OF SECTION 25.24 OF THE PARKS, RECREATION AND HISTORIC PRESERVATION LAW OR BY OPERATION OF AN ALL TERRAIN VEHICLE AS DEFINED IN PARAGRAPH (A) OF SUBDIVISION ONE OF SECTION TWENTY-TWO HUNDRED EIGHTY-ONE OF THE VEHICLE AND TRAFFIC LAW IN VIOLATION OF SUBDIVISION TWO, THREE OR FOUR OF SECTION ELEVEN HUNDRED NINETY-TWO OF THE VEHICLE AND TRAFFIC LAW.

VEHICULAR MURDER IS A CLASS B FELONY.

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