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

3826

2009-2010 Regular Sessions

I N  A S S E M B L Y

January 28, 2009

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

AN ACT to amend the vehicle and traffic law, in relation to additional penalties for certain drunk driving convictions

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

Section 1. Subdivision 1 of section 1193 of the vehicle and traffic law is amended by adding a new paragraph (g) to read as follows:

(G) DRIVING WHILE INTOXICATED WITH A CHILD IN THE VEHICLE. A PERSON CONVICTED OF A VIOLATION OF SUBDIVISION TWO, TWO-A, THREE, FOUR OR FOUR-A OF SECTION ELEVEN HUNDRED NINETY-TWO OF THIS ARTICLE, WHERE A CHILD UNDER THE AGE OF SEVENTEEN WAS A PASSENGER IN THE VEHICLE BEING OPERATED, SHALL BE SUBJECT TO THE FOLLOWING PENALTIES IN ADDITION TO THE CURRENT PENALTIES:

(1) FOR A FIRST SUCH OFFENSE, AN ADDITIONAL FINE OF NOT LESS THAN TWO THOUSAND DOLLARS NOR MORE THAN FIVE THOUSAND DOLLARS AND FORTY-EIGHT CONSECUTIVE HOURS OF IMPRISONMENT;

(2) FOR ANY SUBSEQUENT OFFENSE, AN ADDITIONAL FINE OF NOT LESS THAN FIVE THOUSAND DOLLARS NOR MORE THAN TEN THOUSAND DOLLARS AND AN ADDITIONAL TERM OF IMPRISONMENT OF NOT LESS THAN ONE YEAR NOR MORE THAN FOUR YEARS.

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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