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

3936

2009-2010 Regular Sessions

I N A S S E M B L Y

January 29, 2009

Introduced by M. of A. RAIA, ALFANO, BURLING, GIGLIO, KOLB, WALKER -- Multi-Sponsored by -- M. of A. BACALLES, BARCLAY, BARRA, BUTLER, CALHOUN, CONTE, ERRIGO, FINCH, FITZPATRICK, McDONOUGH, McKEVITT, MILLER, O'MARA, SAYWARD, THIELE, TOWNSEND -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to creating the crime of vehicular manslaughter in the third degree

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 125.11-a to read as follows:

S 125.11-A VEHICULAR MANSLAUGHTER IN THE THIRD DEGREE.

(1) A PERSON IS GUILTY OF VEHICULAR MANSLAUGHTER IN THE THIRD DEGREE WHEN HE OR SHE OPERATES A MOTOR VEHICLE NEGLIGENTLY SO THAT THE LIVES OR SAFETY OF THE PUBLIC MIGHT BE ENDANGERED AND BY ANY SUCH OPERATION CAUSES THE DEATH OF ANOTHER PERSON.

(2) IN ANY PROSECUTION UNDER THIS SECTION, IT SHALL BE A REBUTTABLE PRESUMPTION THAT SUCH DEATH WAS CAUSED IN WHOLE OR IN SUBSTANTIAL PART BY THE ACTOR'S INTOXICATION OR IMPAIRMENT BY THE USE OF A DRUG IN VIOLATION OF SECTION ELEVEN HUNDRED NINETY-TWO OF THE VEHICLE AND TRAFFIC LAW.

VEHICULAR MANSLAUGHTER IN THE THIRD DEGREE IS A CLASS E 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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