

4061

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, MILL-
ER, O'MARA, SAYWARD, THIELE, TOWNSEND -- read once and referred to the
Committee on Codes

AN ACT to amend the penal law and the vehicle and traffic law, in
relation to increasing the criminal penalties for the crimes of vehic-
ular assault, vehicular manslaughter and leaving the scene of an inci-
dent where death or serious personal injury has resulted

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

1 Section 1. The closing paragraph of section 120.03 of the penal law,
2 as amended by chapter 732 of the laws of 2006, is amended to read as
3 follows:
4 Vehicular assault in the second degree is a class [E] D felony.
5 S 2. The closing paragraph of section 120.04 of the penal law, as
6 amended by chapter 746 of the laws of 2006, is amended to read as
7 follows:
8 Vehicular assault in the first degree is a class [D] C felony.
9 S 3. The closing paragraph of section 125.12 of the penal law, as
10 amended by chapter 732 of the laws of 2006, is amended to read as
11 follows:
12 Vehicular manslaughter in the second degree is a class [D] C felony.
13 S 4. The closing paragraph of section 125.13 of the penal law, as
14 amended by chapter 746 of the laws of 2006, is amended to read as
15 follows:
16 Vehicular manslaughter in the first degree is a class [C] B felony.
17 S 5. Paragraph c of subdivision 2 of section 600 of the vehicle and
18 traffic law, as amended by chapter 49 of the laws of 2005, is amended to
19 read as follows:

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

LBD06585-01-9

1 c. A violation of the provisions of paragraph a of this subdivision
2 resulting solely from the failure of an operator to exhibit his or her
3 license and insurance identification card for the vehicle or exchange
4 the information required in such paragraph shall constitute a class B
5 misdemeanor punishable by a fine of not less than two hundred fifty nor
6 more than five hundred dollars in addition to any other penalties
7 provided by law. Any subsequent such violation shall constitute a class
8 A misdemeanor punishable by a fine of not less than five hundred nor
9 more than one thousand dollars in addition to any other penalties
10 provided by law. Any violation of the provisions of paragraph a of this
11 subdivision, other than for the mere failure of an operator to exhibit
12 his or her license and insurance identification card for such vehicle or
13 exchange the information required in such paragraph, shall constitute a
14 class A misdemeanor, punishable by a fine of not less than five hundred
15 dollars nor more than one thousand dollars in addition to any other
16 penalties provided by law. Any such violation committed by a person
17 after such person has previously been convicted of such a violation
18 shall constitute a class E felony, punishable by a fine of not less than
19 one thousand nor more than two thousand five hundred dollars in addition
20 to any other penalties provided by law. Any violation of the provisions
21 of paragraph a of this subdivision, other than for the mere failure of
22 an operator to exhibit his or her license and insurance identification
23 card for such vehicle or exchange the information required in such para-
24 graph, where the personal injury involved (i) results in serious phys-
25 ical injury, as defined in section 10.00 of the penal law, shall consti-
26 tute a class E felony, punishable by a fine of not less than one
27 thousand nor more than five thousand dollars in addition to any other
28 penalties provided by law, or (ii) results in death shall constitute a
29 class [D] C felony punishable by a fine of not less than two thousand
30 nor more than five thousand dollars in addition to any other penalties
31 provided by law.

32 S 6. This act shall take effect on the first of November next succeed-
33 ing the date on which it shall have become a law.