

5357

2009-2010 Regular Sessions

I N A S S E M B L Y

February 13, 2009

Introduced by M. of A. SPANO, BROOK-KRASNY, ABBATE, JOHN -- Multi-Sponsored by -- M. of A. CROUCH, GABRYSZAK, WEISENBERG -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to eluding a police officer

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

1 Section 1. The penal law is amended by adding three new sections
2 205.35, 205.40 and 205.45 to read as follows:
3 S 205.35 ELUDING A POLICE OFFICER IN THE THIRD DEGREE.
4 A PERSON IS GUILTY OF ELUDING A POLICE OFFICER IN THE THIRD DEGREE
5 WHEN HE OR SHE KNOWINGLY ELUDES OR ATTEMPTS TO ELUDE A POLICE OFFICER
6 WHILE OPERATING A MOTOR VEHICLE, WHILE RIDING IN A MOTOR VEHICLE OPER-
7 ATED BY ANOTHER PERSON, THROUGH THE USE OF PUBLIC TRANSPORTATION OR ON
8 FOOT, AND KNOWS OR REASONABLY SHOULD KNOW THAT HE OR SHE IS BEING
9 PURSUED BY SUCH POLICE OFFICER, AND THEREBY CAUSES A RISK TO THE SAFETY
10 OF THE GENERAL PUBLIC.
11 ELUDING A POLICE OFFICER IN THE THIRD DEGREE IS A CLASS A MISDEMEANOR.
12 S 205.40 ELUDING A POLICE OFFICER IN THE SECOND DEGREE.
13 A PERSON IS GUILTY OF ELUDING A POLICE OFFICER IN THE SECOND DEGREE
14 WHEN HE OR SHE COMMITS THE CRIME OF ELUDING A POLICE OFFICER IN THE
15 THIRD DEGREE, AND PHYSICAL INJURY TO ANOTHER PERSON RESULTS THEREFROM.
16 ELUDING A POLICE OFFICER IN THE SECOND DEGREE IS A CLASS E FELONY.
17 S 205.45 ELUDING A POLICE OFFICER IN THE FIRST DEGREE.
18 A PERSON IS GUILTY OF ELUDING A POLICE OFFICER IN THE FIRST DEGREE
19 WHEN HE OR SHE COMMITS THE CRIME OF ELUDING A POLICE OFFICER IN THE
20 SECOND DEGREE, AND SERIOUS PHYSICAL INJURY OR DEATH TO ANOTHER PERSON
21 RESULTS THEREFROM.
22 ELUDING A POLICE OFFICER IN THE FIRST DEGREE IS A CLASS D FELONY.
23 S 2. This act shall take effect on the first of November next succeed-
24 ing 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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