

2009-2010 Regular Sessions

I N S E N A T E

(PREFILED)

January 7, 2009

Introduced by Sen. LANZA -- 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 creating the crimes of dangerous driving in the fifth, fourth, third, second and first degrees

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 five new sections  
2 120.71, 120.72, 120.73, 120.74 and 120.75 to read as follows:

3 S 120.71 DANGEROUS DRIVING IN THE FIFTH DEGREE.

4 A PERSON IS GUILTY OF DANGEROUS DRIVING IN THE FIFTH DEGREE, WHEN HE  
5 OR SHE, HAVING BEEN CONVICTED WITHIN THE PRECEDING EIGHTEEN MONTHS OF  
6 ANY TWO VIOLATIONS OF SECTION FIVE HUNDRED NINE, FIVE HUNDRED ELEVEN,  
7 SIX HUNDRED, ELEVEN HUNDRED EIGHTY-TWO, ELEVEN HUNDRED NINETY-TWO, ELEV-  
8 EN HUNDRED NINETY-TWO-A OR TWELVE HUNDRED TWELVE OF THE VEHICLE AND  
9 TRAFFIC LAW, OPERATES A MOTOR VEHICLE IN VIOLATION OF ANY OF SUCH  
10 SECTIONS OF THE VEHICLE AND TRAFFIC LAW, AND IN DOING SO CAUSES PHYSICAL  
11 INJURY TO ANOTHER PERSON.

12 DANGEROUS DRIVING IN THE FIFTH DEGREE IS A CLASS A MISDEMEANOR.

13 S 120.72 DANGEROUS DRIVING IN THE FOURTH DEGREE.

14 A PERSON IS GUILTY OF DANGEROUS DRIVING IN THE FOURTH DEGREE, WHEN HE  
15 OR SHE, KNOWINGLY HAS IN EFFECT THREE OR MORE SUSPENSIONS, IMPOSED ON AT  
16 LEAST THREE SEPARATE DATES FOR FAILURE TO ANSWER, APPEAR, OR PAY A FINE  
17 PURSUANT TO SUBDIVISION THREE OF SECTION TWO HUNDRED TWENTY-SIX OF THE  
18 VEHICLE AND TRAFFIC LAW OR PARAGRAPH A OF SUBDIVISION FOUR OF SECTION  
19 FIVE HUNDRED TEN OF THE VEHICLE AND TRAFFIC LAW AND WHILE OPERATING A  
20 MOTOR VEHICLE CAUSES PHYSICAL INJURY TO ANOTHER PERSON.

21 DANGEROUS DRIVING IN THE FOURTH DEGREE IS A CLASS E FELONY.

22 S 120.73 DANGEROUS DRIVING IN THE THIRD DEGREE.

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

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1 A PERSON IS GUILTY OF DANGEROUS DRIVING IN THE THIRD DEGREE, WHEN HE  
2 OR SHE:

3 1. KNOWINGLY HAS IN EFFECT TEN OR MORE SUSPENSIONS, IMPOSED ON AT  
4 LEAST TEN SEPARATE DATES FOR FAILURE TO ANSWER, APPEAR, OR PAY A FINE  
5 PURSUANT TO SUBDIVISION THREE OF SECTION TWO HUNDRED TWENTY-SIX OF THE  
6 VEHICLE AND TRAFFIC LAW OR PARAGRAPH A OF SUBDIVISION FOUR OF SECTION  
7 FIVE HUNDRED TEN OF THE VEHICLE AND TRAFFIC LAW AND WHILE OPERATING A  
8 MOTOR VEHICLE CAUSES PHYSICAL INJURY TO ANOTHER PERSON;

9 2. HAVING BEEN CONVICTED WITHIN THE PRECEDING EIGHTEEN MONTHS OF ANY  
10 TWO VIOLATIONS OF SECTION FIVE HUNDRED NINE, FIVE HUNDRED ELEVEN, SIX  
11 HUNDRED, ELEVEN HUNDRED EIGHTY-TWO, ELEVEN HUNDRED NINETY-TWO, ELEVEN  
12 HUNDRED NINETY-TWO-A, OR TWELVE HUNDRED TWELVE OF THE VEHICLE AND TRAF-  
13 FIC LAW, OPERATES A MOTOR VEHICLE IN VIOLATION OF ANY SUCH SECTIONS OF  
14 THE VEHICLE AND TRAFFIC LAW, AND IN DOING SO CAUSES SERIOUS PHYSICAL  
15 INJURY TO ANOTHER PERSON; OR

16 3. KNOWINGLY HAS IN EFFECT THREE OR MORE SUSPENSIONS, IMPOSED ON AT  
17 LEAST THREE SEPARATE DATES FOR FAILURE TO ANSWER, APPEAR, OR PAY A FINE  
18 PURSUANT TO SUBDIVISION THREE OF SECTION TWO HUNDRED TWENTY-SIX OF THE  
19 VEHICLE AND TRAFFIC LAW OR PARAGRAPH A OF SUBDIVISION FOUR OF SECTION  
20 FIVE HUNDRED TEN OF THE VEHICLE AND TRAFFIC LAW AND WHILE OPERATING A  
21 MOTOR VEHICLE CAUSES SERIOUS PHYSICAL INJURY TO ANOTHER PERSON.

22 DANGEROUS DRIVING IN THE THIRD DEGREE IS A CLASS D FELONY.

23 S 120.74 DANGEROUS DRIVING IN THE SECOND DEGREE.

24 A PERSON IS GUILTY OF DANGEROUS DRIVING IN THE SECOND DEGREE, WHEN HE  
25 OR SHE:

26 1. KNOWINGLY HAS IN EFFECT TEN OR MORE SUSPENSIONS, IMPOSED ON AT  
27 LEAST TEN SEPARATE DATES FOR FAILURE TO ANSWER, APPEAR, OR PAY A FINE  
28 PURSUANT TO SUBDIVISION THREE OF SECTION TWO HUNDRED TWENTY-SIX OF THE  
29 VEHICLE AND TRAFFIC LAW OR PARAGRAPH A OF SUBDIVISION FOUR OF SECTION  
30 FIVE HUNDRED TEN OF THE VEHICLE AND TRAFFIC LAW AND WHILE OPERATING A  
31 MOTOR VEHICLE CAUSES SERIOUS PHYSICAL INJURY TO ANOTHER PERSON; OR

32 2. HAVING BEEN CONVICTED WITHIN THE PRECEDING EIGHTEEN MONTHS OF ANY  
33 TWO VIOLATIONS OF SECTION FIVE HUNDRED NINE, FIVE HUNDRED ELEVEN, SIX  
34 HUNDRED, ELEVEN HUNDRED EIGHTY-TWO, ELEVEN HUNDRED NINETY-TWO, ELEVEN  
35 HUNDRED NINETY-TWO-A, OR TWELVE HUNDRED TWELVE OF THE VEHICLE AND TRAF-  
36 FIC LAW, HE OR SHE OPERATES A MOTOR VEHICLE IN VIOLATION OF ANY OF SUCH  
37 SECTIONS OF THE VEHICLE AND TRAFFIC LAW, AND IN DOING SO CAUSES THE  
38 DEATH OF ANOTHER PERSON.

39 DANGEROUS DRIVING IN THE SECOND DEGREE IS A CLASS C FELONY.

40 S 120.75 DANGEROUS DRIVING IN THE FIRST DEGREE.

41 A PERSON IS GUILTY OF DANGEROUS DRIVING IN THE FIRST DEGREE, WHEN HE  
42 OR SHE, KNOWINGLY HAS IN EFFECT TEN OR MORE SUSPENSIONS, IMPOSED ON AT  
43 LEAST TEN SEPARATE DATES FOR FAILURE TO ANSWER, APPEAR, OR PAY A FINE  
44 PURSUANT TO SUBDIVISION THREE OF SECTION TWO HUNDRED TWENTY-SIX OF THE  
45 VEHICLE AND TRAFFIC LAW OR PARAGRAPH A OF SUBDIVISION FOUR OF SECTION  
46 FIVE HUNDRED TEN OF THE VEHICLE AND TRAFFIC LAW AND WHILE OPERATING A  
47 MOTOR VEHICLE CAUSES THE DEATH OF ANOTHER PERSON.

48 DANGEROUS DRIVING IN THE FIRST DEGREE IS A CLASS B FELONY.

49 S 2. This act shall take effect on the first of November next succeed-  
50 ing the date on which it shall have become a law.