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

6460

I N S E N A T E

January 14, 2010

Introduced by Sen. ADDABBO -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to increasing the penalties for driving with a suspended or revoked license

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

Section 1. Paragraph (b) of subdivision 1, paragraph (b) of subdivision 2 and paragraph (b) of subdivision 3 of section 511 of the vehicle and traffic law, paragraph (b) of subdivision 1 and paragraph (b) of subdivision 2 as amended by chapter 607 of the laws of 1993 and paragraph (b) of subdivision 3 as separately amended by chapters 786 and 892 of the laws of 1990, are amended to read as follows:

(b) Aggravated unlicensed operation of a motor vehicle in the third degree is a misdemeanor. When a person is convicted of this offense, the sentence of the court must be: (i) a fine of not less than [two] FIVE hundred dollars nor more than [five hundred] ONE THOUSAND dollars; or (ii) a term of imprisonment of not more than thirty days; or (iii) both such fine and imprisonment.

(b) Aggravated unlicensed operation of a motor vehicle in the second degree is a misdemeanor. When a person is convicted of this crime under subparagraph (i) of paragraph (a) of this subdivision, the sentence of the court must be: (i) a fine of not less than [five hundred] ONE THOUSAND dollars[; and] NOR MORE THAN FIVE THOUSAND DOLLARS; AND/OR (ii) a term of imprisonment not to exceed one hundred eighty days; or (iii) where appropriate a sentence of probation as provided in subdivision six of this section; or (iv) a term of imprisonment as a condition of a sentence of probation as provided in the penal law and consistent with this section. When a person is convicted of this crime under subparagraph (ii), (iii) or (iv) of paragraph (a) of this subdivision, the sentence of the court must be: (i) a fine of not less than five hundred dollars nor more than one thousand dollars; and (ii) a term of imprisonment of not less than seven days nor more than one hundred eighty days, or (iii) where appropriate a sentence of probation as provided in subdivision six of this section; or (iv) a term of imprisonment as a condi-

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

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tion of a sentence of probation as provided in the penal law and consistent with this section.

(b) Aggravated unlicensed operation of a motor vehicle in the first degree is a class E felony. When a person is convicted of this crime, the sentence of the court must be: (i) [a fine in an amount not less than five hundred dollars nor more than five thousand dollars; and (ii)] a term of imprisonment [as provided in the penal law,] NOT LESS THAN ONE YEAR AND NOT TO EXCEED FOUR YEARS; OR (II) A TERM OF IMPRISONMENT AS PROVIDED IN SUBDIVISION FOUR OF SECTION 70.00 OF THE PENAL LAW; or (iii) where appropriate and a term of imprisonment is not required by the penal law, a sentence of probation as provided in subdivision six of this section, or (iv) a term of imprisonment as a condition of a sentence of probation as provided in the penal law.

S 2. This act shall take effect immediately.