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

7485

I N S E N A T E

April 14, 2010

Introduced by Sens. DILAN, FUSCHILLO -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation

AN ACT to amend the penal law, in relation to creating the offense of vehicular assault in the third degree

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

Section 1. Short title. This act shall be known and may be cited as "Elle's Law".

S 2. The penal law is amended by adding a new section 120.03-a to read as follows:

S 120.03-A VEHICULAR ASSAULT IN THE THIRD DEGREE.

A PERSON IS GUILTY OF VEHICULAR ASSAULT IN THE THIRD DEGREE WHEN HE OR SHE CAUSES SERIOUS PHYSICAL INJURY TO A PEDESTRIAN BY OPERATION OF A VEHICLE WHEN SUCH SERIOUS PHYSICAL INJURY WAS CAUSED IN WHOLE OR SUBSTANTIAL PART BY THE ACTOR'S VIOLATION OF ANY SECTION OR SECTIONS CONTAINED WITHIN TITLE SEVEN OF THE VEHICLE AND TRAFFIC LAW, OTHER THAN SECTION ELEVEN HUNDRED NINETY-TWO OF SUCH TITLE.

VEHICULAR ASSAULT IN THE THIRD DEGREE IS A CLASS E FELONY. CONVICTION OF A CRIME PURSUANT TO THIS SECTION SHALL, ALONG WITH OTHER PENALTIES OTHERWISE APPLICABLE, CARRY WITH IT A LICENSE REVOCATION PURSUANT TO SUBDIVISION TWO OF SECTION FIVE HUNDRED TEN OF THE VEHICLE AND TRAFFIC LAW OF UP TO SEVEN YEARS.

S 3. This act shall take effect immediately.

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

LBD16811-01-0