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

250

2011-2012 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 5, 2011

Introduced by M. of A. CUSICK, TOBACCO, CASTRO, WEISENBERG, ENGLEBRIGHT -- Multi-Sponsored by -- M. of A. CALHOUN, GABRYSZAK, LUPARDO, McENENY -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law and the penal law, in relation to increasing penalties for violation of overtaking and passing a school bus and creating the crime of vehicular homicide in the third degree

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

Section 1. Subdivision (c) of section 1174 of the vehicle and traffic law, as amended by chapter 254 of the laws of 2002, is amended to read as follows:

(c) Every person convicted of a violation of subdivision (a) of this section shall: for a first conviction thereof, be punished by a fine of not less than two hundred fifty dollars nor more than four hundred dollars or by imprisonment for not more than thirty days or by both such fine and imprisonment; for a conviction of a second violation, both of which were committed within a period of three years, such person shall be punished by a fine of not less than six hundred dollars nor more than seven hundred fifty dollars or by imprisonment for not more than one hundred eighty days or by both such fine and imprisonment; upon a conviction of a third or subsequent violation, all of which were committed within a period of three years, such person shall be punished by a fine of not less than seven hundred fifty dollars nor more than [one] TWO thousand dollars or by imprisonment for not more than [one hundred eighty days] ONE YEAR or by both such fine and imprisonment.

S 2. Paragraph k of subdivision 3 of section 510 of the vehicle and traffic law, as amended by chapter 124 of the laws of 1992, is amended and a new paragraph l is added to read as follows:

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

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k. for a period of up to ninety days because of the conviction of the holder of the offenses of menacing as defined in section 120.15 of the penal law, where such offense was committed against a traffic enforcement agent employed by the city of New York or the city of Buffalo while such agent was enforcing or attempting to enforce the traffic regulations of such city[.];

L. FOR A PERIOD OF UP TO SIXTY DAYS FOR A VIOLATION OF SECTION ELEVEN HUNDRED SEVENTY-FOUR OF THIS CHAPTER.

S 3. The penal law is amended by adding a new section 125.11-A to read as follows:

S 125.11-A VEHICULAR MANSLAUGHTER IN THE THIRD DEGREE.

A PERSON IS GUILTY OF VEHICULAR MANSLAUGHTER IN THE THIRD DEGREE WHEN HE OR SHE VIOLATES SUBDIVISION (A) OF SECTION ELEVEN HUNDRED SEVENTY-FOUR OF THE VEHICLE AND TRAFFIC LAW AND CAUSES THE DEATH OF A CHILD WHO IS FIFTEEN YEARS OF AGE OR LESS.

VEHICULAR MANSLAUGHTER IN THE THIRD DEGREE IS A CLASS E FELONY.

S 4. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.