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2011-2012 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 5, 2011

Introduced by M. of A. CUSICK, LENTOL, GALEF, TITONE, TOBACCO -- read once and referred 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.

LBD00517-01-1

1 A PERSON IS GUILTY OF DANGEROUS DRIVING IN THE THIRD DEGREE, WHEN HE
2 OR SHE, (A) KNOWINGLY HAS IN EFFECT TEN OR MORE SUSPENSIONS, IMPOSED ON
3 AT LEAST TEN SEPARATE DATES FOR FAILURE TO ANSWER, APPEAR, OR PAY A FINE
4 PURSUANT TO SUBDIVISION THREE OF SECTION TWO HUNDRED TWENTY-SIX OF THE
5 VEHICLE AND TRAFFIC LAW OR PARAGRAPH A OF SUBDIVISION FOUR OF SECTION
6 FIVE HUNDRED TEN OF THE VEHICLE AND TRAFFIC LAW AND WHILE OPERATING A
7 MOTOR VEHICLE CAUSES PHYSICAL INJURY TO ANOTHER PERSON; (B) HAVING BEEN
8 CONVICTED WITHIN THE PRECEDING EIGHTEEN MONTHS OF ANY TWO VIOLATIONS OF
9 SECTION FIVE HUNDRED NINE, FIVE HUNDRED ELEVEN, SIX HUNDRED, ELEVEN
10 HUNDRED EIGHTY-TWO, ELEVEN HUNDRED NINETY-TWO, ELEVEN HUNDRED
11 NINETY-TWO-A, OR TWELVE HUNDRED TWELVE OF THE VEHICLE AND TRAFFIC LAW,
12 OPERATES A MOTOR VEHICLE IN VIOLATION OF ANY SUCH SECTIONS OF THE VEHI-
13 CLE AND TRAFFIC LAW, AND IN DOING SO CAUSES SERIOUS PHYSICAL INJURY TO
14 ANOTHER PERSON; OR (C) WHEN HE OR SHE, KNOWINGLY HAS IN EFFECT THREE OR
15 MORE SUSPENSIONS, IMPOSED ON AT LEAST THREE SEPARATE DATES FOR FAILURE
16 TO ANSWER, APPEAR, OR PAY A FINE PURSUANT TO SUBDIVISION THREE OF
17 SECTION TWO HUNDRED TWENTY-SIX OF THE VEHICLE AND TRAFFIC LAW OR PARA-
18 GRAPH A OF SUBDIVISION FOUR OF SECTION FIVE HUNDRED TEN OF THE VEHICLE
19 AND TRAFFIC LAW AND WHILE OPERATING A MOTOR VEHICLE CAUSES SERIOUS PHYS-
20 ICAL INJURY TO ANOTHER PERSON.

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

22 S 120.74 DANGEROUS DRIVING IN THE SECOND DEGREE.

23 A PERSON IS GUILTY OF DANGEROUS DRIVING IN THE SECOND DEGREE, WHEN HE
24 OR SHE, (A) KNOWINGLY HAS IN EFFECT TEN OR MORE SUSPENSIONS, IMPOSED ON
25 AT LEAST TEN SEPARATE DATES FOR FAILURE TO ANSWER, APPEAR, OR PAY A FINE
26 PURSUANT TO SUBDIVISION THREE OF SECTION TWO HUNDRED TWENTY-SIX OF THE
27 VEHICLE AND TRAFFIC LAW OR PARAGRAPH A OF SUBDIVISION FOUR OF SECTION
28 FIVE HUNDRED TEN OF THE VEHICLE AND TRAFFIC LAW AND WHILE OPERATING A
29 MOTOR VEHICLE CAUSES SERIOUS PHYSICAL INJURY TO ANOTHER PERSON; OR (B)
30 HAVING BEEN CONVICTED WITHIN THE PRECEDING EIGHTEEN MONTHS OF ANY TWO
31 VIOLATIONS OF SECTION FIVE HUNDRED NINE, FIVE HUNDRED ELEVEN, SIX
32 HUNDRED, ELEVEN HUNDRED EIGHTY-TWO, ELEVEN HUNDRED NINETY-TWO, ELEVEN
33 HUNDRED NINETY-TWO-A, OR TWELVE HUNDRED TWELVE OF THE VEHICLE AND TRAF-
34 FIC LAW, HE OR SHE OPERATES A MOTOR VEHICLE IN VIOLATION OF ANY OF SUCH
35 SECTIONS OF THE VEHICLE AND TRAFFIC LAW, AND IN DOING SO CAUSES THE
36 DEATH OF ANOTHER PERSON.

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

38 S 120.75 DANGEROUS DRIVING IN THE FIRST DEGREE.

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

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

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