

7165

2011-2012 Regular Sessions

I N   A S S E M B L Y

April 14, 2011

---

Introduced by M. of A. PALMESANO -- read once and referred to the  
Committee on Codes

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

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

1     Section 1. The penal law is amended by adding a new section 120.02-a  
2     to read as follows:

3     S 120.02-A VEHICULAR ASSAULT IN THE THIRD DEGREE.

4     A PERSON IS GUILTY OF VEHICULAR ASSAULT IN THE THIRD DEGREE WHEN, WITH  
5     CRIMINAL NEGLIGENCE AND AS A RESULT OF SUCH NEGLIGENCE, HE OR SHE CAUSES  
6     PHYSICAL INJURY TO ANOTHER PERSON WHILE UNLAWFULLY OVERTAKING AND PASS-  
7     ING A SCHOOL BUS IN VIOLATION OF SECTION ELEVEN HUNDRED SEVENTY-FOUR OF  
8     THE VEHICLE AND TRAFFIC LAW.

9     VEHICULAR ASSAULT IN THE THIRD DEGREE IS A CLASS A MISDEMEANOR.

10    S 2. Section 120.03 of the penal law is amended by adding a new subdi-  
11    vision 1-a to read as follows:

12    (1-A) CAUSES SUCH SERIOUS PHYSICAL INJURY TO ANOTHER PERSON WHEN, WITH  
13    CRIMINAL NEGLIGENCE AND AS A RESULT OF SUCH NEGLIGENCE, HE OR SHE UNLAW-  
14    FULLY OVERTAKES AND PASSES A SCHOOL BUS IN VIOLATION OF SECTION ELEVEN  
15    HUNDRED SEVENTY-FOUR OF THE VEHICLE AND TRAFFIC LAW, OR

16    S 3. Section 125.12 of the penal law is amended by adding a new subdi-  
17    vision 1-a to read as follows:

18    (1-A) CAUSES THE DEATH OF SUCH PERSON WHEN, WITH CRIMINAL NEGLIGENCE  
19    AND AS A RESULT OF SUCH NEGLIGENCE, HE OR SHE UNLAWFULLY OVERTAKES AND  
20    PASSES A SCHOOL BUS IN VIOLATION OF SECTION ELEVEN HUNDRED SEVENTY-FOUR  
21    OF THE VEHICLE AND TRAFFIC LAW, OR

22    S 4. This act shall take effect on the first of November next succeed-  
23    ing the date on which it shall have become a law.

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

LBD10054-01-1