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

1685

2011-2012 Regular Sessions

I N  S E N A T E

January 11, 2011

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

AN ACT to amend the penal law, in relation to staging a motor vehicle accident

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

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

S 2. The penal law is amended by adding three new sections 176.75, 176.80 and 176.85 to read as follows:

S 176.75 STAGING A MOTOR VEHICLE ACCIDENT IN THE THIRD DEGREE.

A PERSON IS GUILTY OF STAGING A MOTOR VEHICLE ACCIDENT IN THE THIRD DEGREE WHEN, WITH INTENT TO COMMIT A FRAUDULENT INSURANCE ACT, HE OR SHE:

(1) OPERATES A MOTOR VEHICLE AND INTENTIONALLY CAUSES OR ATTEMPTS TO CAUSE A COLLISION INVOLVING A MOTOR VEHICLE; OR

(2) SOLICITS, REQUESTS, COMMANDS, IMPORTUNES OR OTHERWISE ATTEMPTS TO CAUSE ANOTHER PERSON TO INTENTIONALLY CAUSE A COLLISION INVOLVING A MOTOR VEHICLE.

STAGING A MOTOR VEHICLE ACCIDENT IN THE THIRD DEGREE IS A CLASS D FELONY.

S 176.80 STAGING A MOTOR VEHICLE ACCIDENT IN THE SECOND DEGREE.

A PERSON IS GUILTY OF STAGING A MOTOR VEHICLE ACCIDENT IN THE SECOND DEGREE WHEN HE OR SHE COMMITS THE OFFENSE OF STAGING A MOTOR VEHICLE ACCIDENT IN THE THIRD DEGREE, AND HAS BEEN PREVIOUSLY CONVICTED WITHIN THE PRECEDING FIVE YEARS OF ANY CRIME DEFINED IN THIS ARTICLE.

STAGING A MOTOR VEHICLE ACCIDENT IN THE SECOND DEGREE IS A CLASS C FELONY.

S 176.85 STAGING A MOTOR VEHICLE ACCIDENT IN THE FIRST DEGREE.

A PERSON IS GUILTY OF STAGING A MOTOR VEHICLE ACCIDENT IN THE FIRST DEGREE WHEN HE OR SHE COMMITS THE OFFENSE OF STAGING A MOTOR VEHICLE

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

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ACCIDENT IN THE THIRD DEGREE AND CAUSES SERIOUS PERSONAL INJURY OR DEATH TO ANOTHER PERSON, OTHER THAN A PARTICIPANT IN SUCH OFFENSE.

STAGING A MOTOR VEHICLE ACCIDENT IN THE FIRST DEGREE IS A CLASS B FELONY.

S 3. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.