

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 ASSEM-
BLY, DO ENACT AS FOLLOWS:

1 Section 1. This act shall be known and may be cited as "Alice's Law".
2 S 2. The penal law is amended by adding three new sections 176.75,
3 176.80 and 176.85 to read as follows:

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

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

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

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

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

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

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

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

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

23 A PERSON IS GUILTY OF STAGING A MOTOR VEHICLE ACCIDENT IN THE FIRST
24 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.

LBD05841-01-1

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

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

5 S 3. This act shall take effect on the first of November next succeed-
6 ing the date on which it shall have become a law.