

5097

2011-2012 Regular Sessions

I N S E N A T E

May 3, 2011

Introduced by Sen. LANZA -- 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 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.
23 A PERSON IS GUILTY OF DANGEROUS DRIVING IN THE THIRD DEGREE, WHEN HE
24 OR SHE, (A) KNOWINGLY HAS IN EFFECT TEN OR MORE SUSPENSIONS, IMPOSED ON

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

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

19 DANGEROUS DRIVING IN THE THIRD DEGREE IS A CLASS D FELONY.
20 S 120.74 DANGEROUS DRIVING IN THE SECOND DEGREE.

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

35 DANGEROUS DRIVING IN THE SECOND DEGREE IS A CLASS C FELONY.
36 S 120.75 DANGEROUS DRIVING IN THE FIRST DEGREE.

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

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

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