

6386

2013-2014 Regular Sessions

I N   A S S E M B L Y

March 26, 2013

---

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

AN ACT to amend the penal law, in relation to leaving the scene of a  
motor vehicle accident that caused the death of a person or persons

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

1     Section 1. The second undesignated paragraph of section 125.14 of the  
2     penal law, as amended by chapter 496 of the laws of 2009, is amended to  
3     read as follows:  
4     If it is established that the person operating such motor vehicle  
5     caused such death or deaths while unlawfully intoxicated or impaired by  
6     the use of alcohol or a drug, or by the combined influence of drugs or  
7     of alcohol and any drug or drugs, then there shall be a rebuttable  
8     presumption that, as a result of such intoxication or impairment by the  
9     use of alcohol or a drug, or by the combined influence of drugs or of  
10    alcohol and any drug or drugs, such person operated the motor vehicle in  
11    a manner that caused such death or deaths, as required by this section  
12    and section 125.12 of this article. IF THE PERSON OPERATING SUCH MOTOR  
13    VEHICLE LEAVES THE SCENE OF THE ACCIDENT THAT RESULTED IN THE DEATH  
14    DESCRIBED IN THIS ARTICLE IN THE MANNER DEFINED IN SUBDIVISION TWO OF  
15    SECTION SIX HUNDRED OF THE VEHICLE AND TRAFFIC LAW, THEN HE OR SHE IS  
16    PRESUMED TO HAVE BEEN OPERATING THE MOTOR VEHICLE WHILE SUCH PERSON HAS  
17    .18 OF ONE PER CENTUM OR MORE BY WEIGHT OF ALCOHOL IN SUCH PERSON'S  
18    BLOOD AS SHOWN BY CHEMICAL ANALYSIS OF SUCH PERSON'S BLOOD, BREATH,  
19    URINE OR SALIVA MADE PURSUANT TO THE PROVISIONS OF SECTION ELEVEN  
20    HUNDRED NINETY-FOUR OF THE VEHICLE AND TRAFFIC LAW, AT THE TIME OF SUCH  
21    ACCIDENT.  
22    S 2. The second undesignated paragraph of section 120.04-a of the  
23    penal law, as amended by chapter 496 of the laws of 2009, is amended to  
24    read as follows:

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

LBD09596-01-3

1 If it is established that the person operating such motor vehicle  
2 caused such serious physical injury or injuries while unlawfully intoxi-  
3 cated or impaired by the use of alcohol or a drug, or by the combined  
4 influence of drugs or of alcohol and any drug or drugs, then there shall  
5 be a rebuttable presumption that, as a result of such intoxication or  
6 impairment by the use of alcohol or a drug, or by the combined influence  
7 of drugs or of alcohol and any drug or drugs, such person operated the  
8 motor vehicle in a manner that caused such serious physical injury or  
9 injuries, as required by this section and section 120.03 of this arti-  
10 cle. IF THE PERSON OPERATING SUCH MOTOR VEHICLE LEAVES THE SCENE OF THE  
11 ACCIDENT THAT RESULTED IN THE INJURIES DESCRIBED IN THIS ARTICLE IN THE  
12 MANNER DEFINED IN SUBDIVISION TWO OF SECTION SIX HUNDRED OF THE VEHICLE  
13 AND TRAFFIC LAW, THEN HE OR SHE IS PRESUMED TO HAVE BEEN OPERATING THE  
14 MOTOR VEHICLE WHILE SUCH PERSON HAS .18 OF ONE PER CENTUM OR MORE BY  
15 WEIGHT OF ALCOHOL IN SUCH PERSON'S BLOOD AS SHOWN BY CHEMICAL ANALYSIS  
16 OF SUCH PERSON'S BLOOD, BREATH, URINE OR SALIVA MADE PURSUANT TO THE  
17 PROVISIONS OF SECTION ELEVEN HUNDRED NINETY-FOUR OF THE VEHICLE AND  
18 TRAFFIC LAW, AT THE TIME OF SUCH ACCIDENT.

19 S 3. This act shall take effect on the one hundred twentieth day after  
20 it shall have become a law.