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

7279

2013-2014 Regular Sessions

I N A S S E M B L Y

May 9, 2013

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

AN ACT to amend the penal law, in relation to vehicular manslaughter in the second degree

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

Section 1. Subdivision 3 of section 125.12 of the penal law, as amended by chapter 732 of the laws of 2006, is amended and a new subdivision 4 is added to read as follows:

(3) operates a snowmobile in violation of paragraph (b), (c) or (d) of subdivision one of section 25.24 of the parks, recreation and historic preservation law or operates an all terrain vehicle as defined in paragraph (a) of subdivision one of section twenty-two hundred eighty-one of the vehicle and traffic law in violation of subdivision two, three, four, or four-a of section eleven hundred ninety-two of the vehicle and traffic law, and as a result of such intoxication or impairment by the use of a drug, or by the combined influence of drugs or of alcohol and any drug or drugs, operates such snowmobile or all terrain vehicle in a manner that causes the death of such other person[.], OR

(4) OPERATES A MOTOR VEHICLE IN VIOLATION OF SECTION TWELVE HUNDRED TWELVE OF THE VEHICLE AND TRAFFIC LAW, AND AS A RESULT OF SUCH RECKLESS DRIVING CAUSES THE DEATH OF SUCH OTHER PERSON. IN ADDITION TO THE PENALTY AND/OR FINE ESTABLISHED IN THIS SECTION FOR SUCH VIOLATION, ANY PERSON GUILTY OF VIOLATING THIS SUBDIVISION SHALL ALSO COMPLETE A TRAFFIC SAFETY COURSE AND COMPLETE TWO HUNDRED HOURS OF COMMUNITY SERVICE.

S 2. This act shall take effect immediately.

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

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