

3547

2013-2014 Regular Sessions

I N S E N A T E

February 5, 2013

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:

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.

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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.