

4030

2013-2014 Regular Sessions

I N S E N A T E

March 5, 2013

Introduced by Sen. ADAMS -- 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 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.

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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.