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

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 ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The second undesignated paragraph of section 125.14 of the penal law, as amended by chapter 496 of the laws of 2009, is amended to read as follows:

If it is established that the person operating such motor vehicle caused such death or deaths while unlawfully intoxicated or impaired by the use of alcohol or a drug, or by the combined influence of drugs or of alcohol and any drug or drugs, then there shall be a rebuttable presumption that, as a result of such intoxication or impairment by the use of alcohol or a drug, or by the combined influence of drugs or of alcohol and any drug or drugs, such person operated the motor vehicle in a manner that caused such death or deaths, as required by this section and section 125.12 of this article. IF THE PERSON OPERATING SUCH MOTOR VEHICLE LEAVES THE SCENE OF THE ACCIDENT THAT RESULTED IN THE DEATH DESCRIBED IN THIS ARTICLE IN THE MANNER DEFINED IN SUBDIVISION TWO OF SECTION SIX HUNDRED OF THE VEHICLE AND TRAFFIC LAW, THEN HE OR SHE IS PRESUMED TO HAVE BEEN OPERATING THE MOTOR VEHICLE WHILE SUCH PERSON HAS .18 OF ONE PER CENTUM OR MORE BY WEIGHT OF ALCOHOL IN SUCH PERSON'S BLOOD AS SHOWN BY CHEMICAL ANALYSIS OF SUCH PERSON'S BLOOD, BREATH, URINE OR SALIVA MADE PURSUANT TO THE PROVISIONS OF SECTION ELEVEN HUNDRED NINETY-FOUR OF THE VEHICLE AND TRAFFIC LAW, AT THE TIME OF SUCH ACCIDENT.

S 2. The second undesignated paragraph of section 120.04-a of the penal law, as amended by chapter 496 of the laws of 2009, is amended to read as follows:

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

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

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