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

4260

2013-2014 Regular Sessions

I N A S S E M B L Y

February 1, 2013

Introduced by M. of A. RAIA, GIGLIO, KOLB -- Multi-Sponsored by -- M. of A. BARCLAY, BUTLER, FINCH, FITZPATRICK, P. LOPEZ, McDONOUGH, McKEVITT, PALMESANO, STEVENSON, THIELE -- read once and referred to the Committee on Codes

AN ACT to amend the penal law and the vehicle and traffic law, in relation to increasing the criminal penalties for the crimes of vehicular assault, vehicular manslaughter and leaving the scene of an incident where death or serious personal injury has resulted

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

Section 1. The closing paragraph of section 120.03 of the penal law, as amended by chapter 732 of the laws of 2006, is amended to read as follows:

Vehicular assault in the second degree is a class [E] D felony.

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

Vehicular assault in the first degree is a class [D] C felony.

S 3. The closing paragraph of section 125.12 of the penal law, as amended by chapter 732 of the laws of 2006, is amended to read as follows:

Vehicular manslaughter in the second degree is a class [D] C felony.

S 4. The closing paragraph of section 125.13 of the penal law, as amended by chapter 496 of the laws of 2009, is amended to read as follows:

Vehicular manslaughter in the first degree is a class [C] B felony.

S 5. Paragraph c of subdivision 2 of section 600 of the vehicle and traffic law, as amended by chapter 49 of the laws of 2005, is amended to read as follows:

c. A violation of the provisions of paragraph a of this subdivision resulting solely from the failure of an operator to exhibit his or her

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

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license and insurance identification card for the vehicle or exchange the information required in such paragraph shall constitute a class B misdemeanor punishable by a fine of not less than two hundred fifty nor more than five hundred dollars in addition to any other penalties provided by law. Any subsequent such violation shall constitute a class A misdemeanor punishable by a fine of not less than five hundred nor more than one thousand dollars in addition to any other penalties provided by law. Any violation of the provisions of paragraph a of this subdivision, other than for the mere failure of an operator to exhibit his or her license and insurance identification card for such vehicle or exchange the information required in such paragraph, shall constitute a class A misdemeanor, punishable by a fine of not less than five hundred dollars nor more than one thousand dollars in addition to any other penalties provided by law. Any such violation committed by a person after such person has previously been convicted of such a violation shall constitute a class E felony, punishable by a fine of not less than one thousand nor more than two thousand five hundred dollars in addition to any other penalties provided by law. Any violation of the provisions of paragraph a of this subdivision, other than for the mere failure of an operator to exhibit his or her license and insurance identification card for such vehicle or exchange the information required in such paragraph, where the personal injury involved (i) results in serious physical injury, as defined in section 10.00 of the penal law, shall constitute a class E felony, punishable by a fine of not less than one thousand nor more than five thousand dollars in addition to any other penalties provided by law, or (ii) results in death shall constitute a class [D] C felony punishable by a fine of not less than two thousand nor more than five thousand dollars in addition to any other penalties provided by law.

S 6. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.