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

7711

2015-2016 Regular Sessions

I N A S S E M B L Y

May 26, 2015

Introduced by M. of A. OTIS -- read once and referred to the Committee on Transportation

AN ACT to amend the railroad law, in relation to the unlawful propulsion of a missile at railroad trains

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

Section 1. Section 53-d of the railroad law, as added by chapter 294 of the laws of 1976, is amended to read as follows:

S 53-d. Unlawful propulsion of a missile at railroad trains. A person is guilty of unlawful propulsion of a missile at a railroad train where he willfully with intent to cause personal injury or property damage throws, shoots or propels a rock, stone, brick, or piece of iron, steel or other metal or any deadly or dangerous missile or fire bomb at any locomotive or car of a train which is occupied by any person or persons. Unlawful propulsion of a missile at a railroad train is a [violation] CLASS A MISDEMEANOR; provided, however, that such classification shall not apply in any case where an offense having a higher classification for the purpose of sentence, is charged under any other provision of law.

S 2. The railroad law is amended by adding a new section 53-dd to read as follows:

S 53-DD. UNLAWFUL PROPULSION OF A MISSILE AT RAILROAD TRAINS IN THE FIRST DEGREE. A PERSON IS GUILTY OF UNLAWFUL PROPULSION OF A MISSILE AT A RAILROAD TRAIN IN THE FIRST DEGREE WHEN HE OR SHE COMMITS THE CRIME OF UNLAWFUL PROPULSION OF A MISSILE AT A RAILROAD TRAIN IN VIOLATION OF SECTION FIFTY-THREE-D OF THIS ARTICLE AND THEREBY CAUSES A SIGNIFICANT DISRUPTION TO THE SAFE TRAVEL OF THE RAILROAD TRAIN THAT THREATENS THE PHYSICAL SAFETY OF THE RAILROAD TRAIN'S PASSENGERS OR CREW. UNLAWFUL PROPULSION OF A MISSILE AT A RAILROAD TRAIN IN THE FIRST DEGREE IS A CLASS D FELONY; PROVIDED, HOWEVER, THAT SUCH CLASSIFICATION SHALL NOT

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

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APPLY IN ANY CASE WHERE AN OFFENSE HAVING A HIGHER CLASSIFICATION FOR THE PURPOSE OF SENTENCE IS CHARGED UNDER ANY OTHER PROVISION OF LAW.

S 3. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.