

10103

I N   A S S E M B L Y

May 11, 2016

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Introduced by M. of A. LENTOL -- read once and referred to the Committee  
on Codes

AN ACT to amend the penal law, in relation to unlawfully fleeing a  
police officer in a motor vehicle

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

1     Section 1. Sections 270.25, 270.30 and 270.35 of the penal law, as  
2 added by chapter 738 of the laws of 2006, are amended to read as  
3 follows:  
4     S 270.25 [Unlawful] UNLAWFULLY fleeing a police officer in a motor vehi-  
5         cle in the third degree.  
6     A person is guilty of [unlawful] UNLAWFULLY fleeing a police officer  
7 in a motor vehicle in the third degree when, knowing that he or she has  
8 been directed to stop his or her motor vehicle by a uniformed police  
9 officer or a marked police vehicle by the activation of either the  
10 lights or the lights and siren of such vehicle, he or she thereafter  
11 attempts to flee such officer or such vehicle by driving at speeds which  
12 equal or exceed twenty-five miles per hour above the speed limit or  
13 engaging in reckless driving as defined by section twelve hundred twelve  
14 of the vehicle and traffic law.  
15     [Unlawful] UNLAWFULLY fleeing a police officer in a motor vehicle in  
16 the third degree is a class [A misdemeanor] E FELONY.  
17     S 270.30 [Unlawful] UNLAWFULLY fleeing a police officer in a motor vehi-  
18         cle in the second degree.  
19     A person is guilty of [unlawful] UNLAWFULLY fleeing a police officer  
20 in a motor vehicle in the second degree when he or she commits the  
21 offense of [unlawful] UNLAWFULLY fleeing a police officer in a motor  
22 vehicle in the third degree, as defined in section 270.25 of this arti-  
23 cle, and as a result of such conduct a police officer or a third person  
24 suffers serious physical injury.  
25     [Unlawful] UNLAWFULLY fleeing a police officer in a motor vehicle in  
26 the second degree is a class [E] D felony.  
27     S 270.35 [Unlawful] UNLAWFULLY fleeing a police officer in a motor vehi-  
28         cle in the first degree.

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

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1 A person is guilty of [unlawful] UNLAWFULLY fleeing a police officer  
2 in a motor vehicle in the first degree when he or she commits the  
3 offense of [unlawful] UNLAWFULLY fleeing a police officer in a motor  
4 vehicle in the third degree, as defined in section 270.25 of this arti-  
5 cle, and as a result of such conduct a police officer or a third person  
6 is killed.

7 [Unlawful] UNLAWFULLY fleeing a police officer in a motor vehicle in  
8 the first degree is a class [D] C felony.

9 S 2. This act shall take effect immediately.