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2015-2016 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2015

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

AN ACT to amend the vehicle and traffic law, in relation to adding
community service to sentences for second and third degree aggravated
unlicensed operation of a motor vehicle

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

1 Section 1. Paragraph (b) of subdivision 1 and paragraph (b) of subdi-
2 vision 2 of section 511 of the vehicle and traffic law, as amended by
3 chapter 607 of the laws of 1993, are amended to read as follows:
4 (b) Aggravated unlicensed operation of a motor vehicle in the third
5 degree is a misdemeanor. When a person is convicted of this offense, the
6 sentence of the court must be: (i) a fine of not less than two hundred
7 dollars nor more than five hundred dollars; or (ii) a term of imprison-
8 ment of not more than thirty days; or (iii) both such fine and imprison-
9 ment; OR (IV) A TERM OF SERVICE TO THE COMMUNITY NOT TO EXCEED THIRTY
10 DAYS.
11 (b) Aggravated unlicensed operation of a motor vehicle in the second
12 degree is a misdemeanor. When a person is convicted of this crime under
13 subparagraph (i) of paragraph (a) of this subdivision, the sentence of
14 the court must be: (i) a fine of not less than five hundred dollars; and
15 (ii) a term of imprisonment not to exceed one hundred eighty days; or
16 (iii) where appropriate a sentence of probation as provided in subdivi-
17 sion six of this section; or (iv) a term of imprisonment as a condition
18 of a sentence of probation as provided in the penal law and consistent
19 with this section; OR (V) A TERM OF SERVICE TO THE COMMUNITY NOT TO
20 EXCEED ONE HUNDRED EIGHTY DAYS. When a person is convicted of this
21 crime under subparagraph (ii), (iii) or (iv) of paragraph (a) of this
22 subdivision, the sentence of the court must be: (i) a fine of not less
23 than five hundred dollars nor more than one thousand dollars; and (ii) a

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

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1 term of imprisonment of not less than seven days nor more than one
2 hundred eighty days, or (iii) where appropriate a sentence of probation
3 as provided in subdivision six of this section; or (iv) a term of impri-
4 sonment as a condition of a sentence of probation as provided in the
5 penal law and consistent with this section; OR (V) A TERM OF SERVICE TO
6 THE COMMUNITY OF NOT LESS THAN SEVEN DAYS NOR MORE THAN ONE HUNDRED
7 EIGHTY DAYS.

8 S 2. This act shall take effect immediately.