

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 ASSEM-
BLY, DO ENACT AS FOLLOWS:

1 Section 1. Section 53-d of the railroad law, as added by chapter 294
2 of the laws of 1976, is amended to read as follows:
3 S 53-d. Unlawful propulsion of a missile at railroad trains. A person
4 is guilty of unlawful propulsion of a missile at a railroad train where
5 he willfully with intent to cause personal injury or property damage
6 throws, shoots or propels a rock, stone, brick, or piece of iron, steel
7 or other metal or any deadly or dangerous missile or fire bomb at any
8 locomotive or car of a train which is occupied by any person or persons.
9 Unlawful propulsion of a missile at a railroad train is a [violation]
10 CLASS A MISDEMEANOR; provided, however, that such classification shall
11 not apply in any case where an offense having a higher classification
12 for the purpose of sentence, is charged under any other provision of
13 law.
14 S 2. The railroad law is amended by adding a new section 53-dd to read
15 as follows:
16 S 53-DD. UNLAWFUL PROPULSION OF A MISSILE AT RAILROAD TRAINS IN THE
17 FIRST DEGREE. A PERSON IS GUILTY OF UNLAWFUL PROPULSION OF A MISSILE AT
18 A RAILROAD TRAIN IN THE FIRST DEGREE WHEN HE OR SHE COMMITS THE CRIME OF
19 UNLAWFUL PROPULSION OF A MISSILE AT A RAILROAD TRAIN IN VIOLATION OF
20 SECTION FIFTY-THREE-D OF THIS ARTICLE AND THEREBY CAUSES A SIGNIFICANT
21 DISRUPTION TO THE SAFE TRAVEL OF THE RAILROAD TRAIN THAT THREATENS THE
22 PHYSICAL SAFETY OF THE RAILROAD TRAIN'S PASSENGERS OR CREW. UNLAWFUL
23 PROPULSION OF A MISSILE AT A RAILROAD TRAIN IN THE FIRST DEGREE IS A
24 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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1 APPLY IN ANY CASE WHERE AN OFFENSE HAVING A HIGHER CLASSIFICATION FOR
2 THE PURPOSE OF SENTENCE IS CHARGED UNDER ANY OTHER PROVISION OF LAW.
3 S 3. This act shall take effect on the first of November next succeed-
4 ing the date on which it shall have become a law.