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

7136

I N S E N A T E

March 31, 2016

Introduced by Sen. BOYLE -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the penal law, in relation to vehicular assault and vehicular manslaughter

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

Section 1. Subdivision 3 of section 120.03 of the penal law, as amended by chapter 732 of the laws of 2006, is amended and a new subdivision 4 is added to read as follows:

(3) operates a snowmobile in violation of paragraph (b), (c) or (d) of subdivision one of section 25.24 of the parks, recreation and historic preservation law or operates an all terrain vehicle as defined in paragraph (a) of subdivision one of section twenty-two hundred eighty-one of the vehicle and traffic law and in violation of subdivision two, three, four, or four-a of section eleven hundred ninety-two of the vehicle and traffic law, and as a result of such intoxication or impairment by the use of a drug, or by the combined influence of drugs or of alcohol and any drug or drugs, operates such snowmobile or all terrain vehicle in a manner that causes such serious physical injury to such other person[.],

OR

(4) OPERATES A MOTOR VEHICLE WITHOUT HAVING BEEN LICENSED TO OPERATE A MOTOR VEHICLE IN THE STATE OF NEW YORK, AND WHILE OPERATING SAID MOTOR VEHICLE CAUSES SERIOUS PHYSICAL INJURY TO ANOTHER PERSON.

S 2. Subdivisions 5 and 6 of section 125.13 of the penal law, subdivision 5 as amended and subdivision 6 as added by chapter 496 of the laws of 2009, are amended and a new subdivision 7 is added to read as follows:

(5) has previously been convicted of violating any provision of this article or article one hundred twenty of this title involving the operation of a motor vehicle, or was convicted in any other state or jurisdiction of an offense involving the operation of a motor vehicle which, if committed in this state, would constitute a violation of this article or article one hundred twenty of this title; [or]

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

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(6) commits such crime while operating a motor vehicle while a child who is fifteen years of age or less is a passenger in such motor vehicle and causes the death of such child[.]; OR

(7) OPERATES A MOTOR VEHICLE WITHOUT HAVING BEEN LICENSED TO OPERATE A MOTOR VEHICLE IN THE STATE OF NEW YORK, AND WHILE OPERATING SAID MOTOR VEHICLE CAUSES THE DEATH OF ANOTHER PERSON.

S 3. This act shall take effect on the one hundred twentieth day after it shall have become a law.