

# STATE OF NEW YORK

10580

## IN ASSEMBLY

May 7, 2018

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

AN ACT to amend the vehicle and traffic law and the penal law, in relation to the use of a vehicle as a weapon

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. This act shall be known and may be cited as the "Heather D. Heyer act."

2 § 2. The vehicle and traffic law is amended by adding a new section  
3 1229-e to read as follows:

4 § 1229-e. Driving near protests. 1. When a protest with over one  
5 hundred people in attendance is occurring on a roadway, with the excep-  
6 tion of police vehicles, emergency vehicles, and the vehicles of people  
7 participating in the protest, no driver of a vehicle shall drive upon  
8 such roadway within one thousand feet of the protest.

9 2. Whenever any vehicle, with the exception of police vehicles, emer-  
10 gency vehicles, and the vehicles of people participating in the protest,  
11 is stopped at a protest, the driver of any other vehicle approaching  
12 from the rear shall not overtake and pass such stopped vehicle.

13 3. A violation of subdivision one or two of this section shall be a  
14 traffic infraction and shall be punishable by a fine of not less than  
15 three hundred dollars nor more than five hundred dollars. A person who  
16 operates a vehicle in violation of such subdivisions after having been  
17 convicted of a violation of such subdivisions within the preceding five  
18 years shall be punished by a fine of not less than five hundred dollars  
19 nor more than seven hundred fifty dollars. A person who operates a vehi-  
20 cle in violation of such subdivisions after having been convicted two or  
21 more times of a violation of such subdivisions within the preceding ten  
22 years shall be guilty of a misdemeanor, and shall be punished by a fine  
23 of not less than seven hundred fifty dollars nor more than fifteen  
24 hundred dollars.

25 § 3. Section 485.10 of the penal law is amended by adding a new subdi-  
26 vision 3-a to read as follows:  
27

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

LBD13411-04-7

1     3-a. Notwithstanding any other provision of law, when a person is  
2     convicted of a hate crime pursuant to this article where the underlying  
3     offense is vehicular manslaughter or a dangerous instrument is used as a  
4     weapon against a person during the commission of such hate crime, the  
5     specified offense is a class A-1 felony with which the minimum period of  
6     the indeterminate sentence shall not be less than twenty-five years.

7     § 4. This act shall take effect on the first of November next succeed-  
8     ing the date on which it shall have become a law.