

# STATE OF NEW YORK

4855

2017-2018 Regular Sessions

## IN ASSEMBLY

February 3, 2017

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

AN ACT to amend the penal law and the criminal procedure law, in relation to repeat offenders of driving accidents; to amend the vehicle and traffic law, in relation to drugged driving; and to amend the criminal procedure law, in relation to speedy trials and certain vehicular crimes

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

1 Section 1. Paragraph (a) of subdivision 1 of section 70.06 of the  
2 penal law, as amended by chapter 410 of the laws of 1979, is amended to  
3 read as follows:

4 (a) A second felony offender is a person, other than a second violent  
5 felony offender as defined in section 70.04, who stands convicted of a  
6 felony defined in this chapter or in the vehicle and traffic law, other  
7 than a class A-I felony, after having previously been subjected to one  
8 or more predicate felony convictions as defined in paragraph (b) of this  
9 subdivision.

10 § 2. Paragraphs (b) and (c) of subdivision 1 of section 160.10 of the  
11 criminal procedure law, as amended by chapter 762 of the laws of 1971,  
12 are amended to read as follows:

13 (b) A misdemeanor defined in the penal law or the vehicle and traffic  
14 law; or

15 (c) A misdemeanor defined outside the penal law or the vehicle and  
16 traffic law which would constitute a felony if such person had a previ-  
17 ous judgment of conviction for a crime; or

18 § 3. Section 114-a of the vehicle and traffic law, as added by chapter  
19 163 of the laws of 1973, is amended to read as follows:

20 § 114-a. Drug. The term "drug" when used in this chapter, means [~~and~~  
21 ~~includes any substance listed in section thirty-three hundred six of the~~  
22 ~~public health law~~] any drug or impairing substance.

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

LBD05421-01-7

1 § 4. Paragraph (e) of subdivision 2 of section 1193 of the vehicle and  
2 traffic law is amended by adding a new subparagraph 8 to read as  
3 follows:

4 (8) Suspension pending prosecution; drug impairment. Except as  
5 provided in clause a-1 of subparagraph seven of this paragraph, a court  
6 shall suspend a driver's license, pending prosecution, of any person  
7 charged with a violation of subdivision four or four-a of section eleven  
8 hundred ninety-two of this article who, at the time of arrest, is  
9 alleged to have been ability impaired by drugs.

10 § 5. Paragraph (a) of subdivision 3 of section 30.30 of the criminal  
11 procedure law, as amended by chapter 93 of the laws of 2006, is amended  
12 to read as follows:

13 (a) Subdivisions one and two do not apply to a criminal action wherein  
14 the defendant is accused of an offense defined in sections 125.10,  
15 125.12, 125.13, 125.14, 125.15, 125.20, 125.25, 125.26 and 125.27 of the  
16 penal law.

17 § 6. This act shall take effect immediately.