

# STATE OF NEW YORK

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3517

2017-2018 Regular Sessions

## IN SENATE

January 24, 2017

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Introduced by Sen. FLANAGAN -- 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 including aggravated vehicular homicide as a violent felony offense

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 70.02 of the  
2 penal law, as amended by chapter 368 of the laws of 2015, is amended to  
3 read as follows:

4 (a) Class B violent felony offenses: an attempt to commit the class  
5 A-I felonies of murder in the second degree as defined in section  
6 125.25, kidnapping in the first degree as defined in section 135.25, and  
7 arson in the first degree as defined in section 150.20; manslaughter in  
8 the first degree as defined in section 125.20, aggravated manslaughter  
9 in the first degree as defined in section 125.22, rape in the first  
10 degree as defined in section 130.35, criminal sexual act in the first  
11 degree as defined in section 130.50, aggravated sexual abuse in the  
12 first degree as defined in section 130.70, course of sexual conduct  
13 against a child in the first degree as defined in section 130.75;  
14 assault in the first degree as defined in section 120.10, aggravated  
15 vehicular homicide as defined in section 125.14, kidnapping in the  
16 second degree as defined in section 135.20, burglary in the first degree  
17 as defined in section 140.30, arson in the second degree as defined in  
18 section 150.15, robbery in the first degree as defined in section  
19 160.15, sex trafficking as defined in paragraphs (a) and (b) of subdivi-  
20 sion five of section 230.34, incest in the first degree as defined in  
21 section 255.27, criminal possession of a weapon in the first degree as  
22 defined in section 265.04, criminal use of a firearm in the first degree  
23 as defined in section 265.09, criminal sale of a firearm in the first  
24 degree as defined in section 265.13, aggravated assault upon a police  
25 officer or a peace officer as defined in section 120.11, gang assault in

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

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1 the first degree as defined in section 120.07, intimidating a victim or  
2 witness in the first degree as defined in section 215.17, hindering  
3 prosecution of terrorism in the first degree as defined in section  
4 490.35, criminal possession of a chemical weapon or biological weapon in  
5 the second degree as defined in section 490.40, and criminal use of a  
6 chemical weapon or biological weapon in the third degree as defined in  
7 section 490.47.

8 § 2. This act shall take effect on the one hundred twentieth day after  
9 it shall have become a law.