

# STATE OF NEW YORK

7736

## IN SENATE

February 14, 2018

Introduced by Sen. GALLIVAN -- 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 leaving the scene of a motor vehicle accident that resulted in physical injury or death of a person or persons

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

1 Section 1. Subdivisions 6 and 7 of section 125.14 of the penal law,  
2 subdivision 6 as amended and subdivision 7 as added by chapter 496 of  
3 the laws of 2009, are amended and a new subdivision 8 is added to read  
4 as follows:

5 (6) has previously been convicted of violating any provision of this  
6 article or article one hundred twenty of this title involving the opera-  
7 tion of a motor vehicle, or was convicted in any other state or juris-  
8 diction of an offense involving the operation of a motor vehicle which,  
9 if committed in this state, would constitute a violation of this article  
10 or article one hundred twenty of this title; ~~or~~

11 (7) commits such crime while operating a motor vehicle while a child  
12 who is fifteen years of age or less is a passenger in such motor vehicle  
13 and causes the death of such child~~[-]; or~~

14 (8) commits such crime and then leaves the scene of the accident in  
15 the manner defined in subdivision two of section six hundred of the  
16 vehicle and traffic law.

17 § 2. Subdivisions 5 and 6 of section 120.04-a of the penal law, subdi-  
18 vision 5 as amended and subdivision 6 as added by chapter 496 of the  
19 laws of 2009, are amended and a new subdivision 7 is added to read as  
20 follows:

21 (5) has previously been convicted of violating any provision of this  
22 article or article one hundred twenty-five of this title involving the  
23 operation of a motor vehicle, or was convicted in any other state or  
24 jurisdiction of an offense involving the operation of a motor vehicle  
25 which, if committed in this state, would constitute a violation of this  
26 article or article one hundred twenty-five of this title; ~~or~~

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

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1 (6) commits such crime while operating a motor vehicle while a child  
2 who is fifteen years of age or less is a passenger in such motor vehicle  
3 and causes serious physical injury to such child[~~+~~]; or

4 (7) commits such crime and then leaves the scene of the accident in  
5 the manner defined in subdivision two of section six hundred of the  
6 vehicle and traffic law.

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