

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.
2 Heyer act."

3 § 2. The vehicle and traffic law is amended by adding a new section
4 1229-e to read as follows:

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

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

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

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

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

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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.