STATE OF NEW YORK

3480

2017-2018 Regular Sessions

IN ASSEMBLY

January 27, 2017

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

AN ACT to amend the railroad law, in relation to the unlawful propulsion of a missile at railroad trains

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

Section 1. Section 53-d of the railroad law, as added by chapter 294 of the laws of 1976, is amended to read as follows:

§ 53-d. Unlawful propulsion of a missile at railroad trains. A person is guilty of unlawful propulsion of a missile at a railroad train where he willfully with intent to cause personal injury or property damage throws, shoots or propels a rock, stone, brick, or piece of iron, steel or other metal or any deadly or dangerous missile or fire bomb at any locomotive or car of a train which is occupied by any person or persons. Unlawful propulsion of a missile at a railroad train is a [~~violation~~] **class A misdemeanor**; provided, however, that such classification shall not apply in any case where an offense having a higher classification for the purpose of sentence, is charged under any other provision of law.

§ 2. The railroad law is amended by adding a new section 53-dd to read as follows:

§ 53-dd. Unlawful propulsion of a missile at railroad trains in the first degree. A person is guilty of unlawful propulsion of a missile at a railroad train in the first degree when he or she commits the crime of unlawful propulsion of a missile at a railroad train in violation of section fifty-three-d of this article and thereby causes a significant disruption to the safe travel of the railroad train that threatens the physical safety of the railroad train's passengers or crew. Unlawful propulsion of a missile at a railroad train in the first degree is a class D felony; provided, however, that such classification shall not

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

LBD00202-01-7

apply in any case where an offense having a higher classification for the purpose of sentence is charged under any other provision of law.

§ 3. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.