

# 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:

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

3 § 53-d. Unlawful propulsion of a missile at railroad trains. A person  
4 is guilty of unlawful propulsion of a missile at a railroad train where  
5 he willfully with intent to cause personal injury or property damage  
6 throws, shoots or propels a rock, stone, brick, or piece of iron, steel  
7 or other metal or any deadly or dangerous missile or fire bomb at any  
8 locomotive or car of a train which is occupied by any person or persons.  
9 Unlawful propulsion of a missile at a railroad train is a [~~violation~~]  
10 class A misdemeanor; provided, however, that such classification shall  
11 not apply in any case where an offense having a higher classification  
12 for the purpose of sentence, is charged under any other provision of  
13 law.

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

16 § 53-dd. Unlawful propulsion of a missile at railroad trains in the  
17 first degree. A person is guilty of unlawful propulsion of a missile at  
18 a railroad train in the first degree when he or she commits the crime of  
19 unlawful propulsion of a missile at a railroad train in violation of  
20 section fifty-three-d of this article and thereby causes a significant  
21 disruption to the safe travel of the railroad train that threatens the  
22 physical safety of the railroad train's passengers or crew. Unlawful  
23 propulsion of a missile at a railroad train in the first degree is a  
24 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

1 apply in any case where an offense having a higher classification for  
2 the purpose of sentence is charged under any other provision of law.  
3 § 3. This act shall take effect on the first of November next succeed-  
4 ing the date on which it shall have become a law.