STATE OF NEW YORK

5122

2017-2018 Regular Sessions

IN ASSEMBLY

February 6, 2017

Introduced by M. of A. ORTIZ -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to making deaths caused by drivers using mobile telephones or portable electronic devices while driving vehicular manslaughter in the second degree and making serious injuries caused by drivers using mobile telephones or portable electronic devices while driving vehicular assault in the second degree

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

Section 1. Subdivision 3 of section 125.12 of the penal law, as amended by chapter 732 of the laws of 2006, is amended and a new subdivision 4 is added to read as follows:

(3) operates a snowmobile in violation of paragraph (b), (c) or (d) of subdivision one of section 25.24 of the parks, recreation and historic preservation law or operates an all terrain vehicle as defined in paragraph (a) of subdivision one of section twenty-two hundred eighty-one of the vehicle and traffic law in violation of subdivision two, three, four, or four-a of section eleven hundred ninety-two of the vehicle and traffic law, and as a result of such intoxication or impairment by the use of a drug, or by the combined influence of drugs or of alcohol and any drug or drugs, operates such snowmobile or all terrain vehicle in a manner that causes the death of such other person[~~.~~]**, or**

(4) operates a motor vehicle in violation of section twelve hundred twenty-five-c or twelve hundred twenty-five-d of the vehicle and traffic law, and as a result of the use of such mobile telephone or portable electronic device, operates such motor vehicle in a manner that causes the death of such other person.

§ 2. Subdivision 3 of section 120.03 of the penal law, as amended by chapter 732 of the laws of 2006, is amended and a new subdivision 4 is added to read as follows:

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

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(3) operates a snowmobile in violation of paragraph (b), (c) or (d) of subdivision one of section 25.24 of the parks, recreation and historic preservation law or operates an all terrain vehicle as defined in paragraph (a) of subdivision one of section twenty-two hundred eighty-one of the vehicle and traffic law and in violation of subdivision two, three, four, or four-a of section eleven hundred ninety-two of the vehicle and traffic law, and as a result of such intoxication or impairment by the use of a drug, or by the combined influence of drugs or of alcohol and any drug or drugs, operates such snowmobile or all terrain vehicle in a manner that causes such serious physical injury to such other person[~~.~~],~~,~~ **or**

(4) operates a motor vehicle in violation of section twelve hundred twenty-five-c or twelve hundred twenty-five-d of the vehicle and traffic law, and as a result of the use of such mobile telephone or portable electronic device, operates such motor vehicle in a manner that causes such serious physical injury to such other person.

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