STATE OF NEW YORK

1741

2017-2018 Regular Sessions

IN SENATE

January 10, 2017

Introduced by Sen. GOLDEN -- 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 unlawfully fleeing a police officer in a motor vehicle

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

Section 1. Sections 270.25, 270.30 and 270.35 of the penal law, as added by chapter 738 of the laws of 2006, are amended to read as follows:

§ 270.25 [~~Unlawful~~] **Unlawfully** fleeing a police officer in a motor vehicle in the third degree.

A person is guilty of [~~unlawful~~] **unlawfully** fleeing a police officer in a motor vehicle in the third degree when, knowing that he or she has been directed to stop his or her motor vehicle by a uniformed police officer or a marked police vehicle by the activation of either the lights or the lights and siren of such vehicle, he or she thereafter attempts to flee such officer or such vehicle by driving at speeds which equal or exceed twenty-five miles per hour above the speed limit or engaging in reckless driving as defined by section twelve hundred twelve of the vehicle and traffic law.

[~~Unlawful~~] **Unlawfully** fleeing a police officer in a motor vehicle in the third degree is a class [~~A misdemeanor~~] **E felony**.

§ 270.30 [~~Unlawful~~] **Unlawfully** fleeing a police officer in a motor vehicle in the second degree.

A person is guilty of [~~unlawful~~] **unlawfully** fleeing a police officer in a motor vehicle in the second degree when he or she commits the offense of [~~unlawful~~] **unlawfully** fleeing a police officer in a motor vehicle in the third degree, as defined in section 270.25 of this article, and as a result of such conduct a police officer or a third person suffers serious physical injury.

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

LBD03924-01-7

[~~Unlawful~~] **Unlawfully** fleeing a police officer in a motor vehicle in the second degree is a class [~~E~~] **D** felony.

§ 270.35 [~~Unlawful~~] **Unlawfully** fleeing a police officer in a motor vehicle in the first degree.

A person is guilty of [~~unlawful~~] **unlawfully** fleeing a police officer in a motor vehicle in the first degree when he or she commits the offense of [~~unlawful~~] **unlawfully** fleeing a police officer in a motor vehicle in the third degree, as defined in section 270.25 of this article, and as a result of such conduct a police officer or a third person is killed.

[~~Unlawful~~] **Unlawfully** fleeing a police officer in a motor vehicle in the first degree is a class [~~D~~] **C** felony.

§ 2. This act shall take effect immediately.