STATE OF NEW YORK

4394

2017-2018 Regular Sessions

IN SENATE

February 13, 2017

Introduced by Sen. LANZA -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the penal law and the criminal procedure law, in relation to repeat offenders of driving accidents; to amend the vehicle and traffic law, in relation to drugged driving; and to amend the criminal procedure law, in relation to speedy trials and certain vehicular crimes

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

Section 1. Paragraph (a) of subdivision 1 of section 70.06 of the penal law, as amended by chapter 410 of the laws of 1979, is amended to read as follows:

(a) A second felony offender is a person, other than a second violent felony offender as defined in section 70.04, who stands convicted of a felony defined in this chapter **or in the vehicle and traffic law**, other than a class A-I felony, after having previously been subjected to one or more predicate felony convictions as defined in paragraph (b) of this subdivision.

§ 2. Paragraphs (b) and (c) of subdivision 1 of section 160.10 of the criminal procedure law, as amended by chapter 762 of the laws of 1971, are amended to read as follows:

(b) A misdemeanor defined in the penal law **or the vehicle and traffic law**; or

(c) A misdemeanor defined outside the penal law **or the vehicle and traffic law** which would constitute a felony if such person had a previous judgment of conviction for a crime; or

§ 3. Section 114-a of the vehicle and traffic law, as added by chapter 163 of the laws of 1973, is amended to read as follows:

§ 114-a. Drug. The term "drug" when used in this chapter, means [~~and includes any substance listed in section thirty-three hundred six of the public health law~~] **any drug or impairing substance**.

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

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§ 4. Paragraph (e) of subdivision 2 of section 1193 of the vehicle and traffic law is amended by adding a new subparagraph 8 to read as follows:

(8) Suspension pending prosecution; drug impairment. Except as provided in clause a-1 of subparagraph seven of this paragraph, a court shall suspend a driver's license, pending prosecution, of any person charged with a violation of subdivision four or four-a of section eleven hundred ninety-two of this article who, at the time of arrest, is alleged to have been ability impaired by drugs.

§ 5. Paragraph (a) of subdivision 3 of section 30.30 of the criminal procedure law, as amended by chapter 93 of the laws of 2006, is amended to read as follows:

(a) Subdivisions one and two do not apply to a criminal action wherein the defendant is accused of an offense defined in sections 125.10, **125.12, 125.13, 125.14,** 125.15, 125.20, 125.25, 125.26 and 125.27 of the penal law.

§ 6. This act shall take effect immediately.