

# STATE OF NEW YORK

627

2017-2018 Regular Sessions

## IN SENATE

January 4, 2017

Introduced by Sen. BOYLE -- 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 vehicular assault and vehicular manslaughter

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

1 Section 1. Subdivision 3 of section 120.03 of the penal law, as  
2 amended by chapter 732 of the laws of 2006, is amended and a new subdivi-  
3 sion 4 is added to read as follows:

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

14 or

15 (4) operates a motor vehicle without having been licensed to operate a  
16 motor vehicle in the state of New York, and while operating said motor  
17 vehicle causes serious physical injury to another person.

18 § 2. Subdivisions 5 and 6 of section 125.13 of the penal law, subdivi-  
19 sion 5 as amended and subdivision 6 as added by chapter 496 of the laws  
20 of 2009, are amended and a new subdivision 7 is added to read as  
21 follows:

22 (5) has previously been convicted of violating any provision of this  
23 article or article one hundred twenty of this title involving the opera-  
24 tion of a motor vehicle, or was convicted in any other state or juris-  
25 diction of an offense involving the operation of a motor vehicle which,

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

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1 if committed in this state, would constitute a violation of this article  
2 or article one hundred twenty of this title; ~~or~~

3 (6) commits such crime while operating a motor vehicle while a child  
4 who is fifteen years of age or less is a passenger in such motor vehicle  
5 and causes the death of such child~~[-]~~; or

6 (7) operates a motor vehicle without having been licensed to operate a  
7 motor vehicle in the state of New York, and while operating said motor  
8 vehicle causes the death of another person.

9 § 3. This act shall take effect on the one hundred twentieth day after  
10 it shall have become a law.