STATE OF NEW YORK

8728

IN SENATE

May 10, 2018

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

AN ACT to amend the vehicle and traffic law, in relation to the circumvention of an ignition interlock device

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

Section 1. Paragraph (e) of subdivision 9 of section 1198 of the vehicle and traffic law, as amended by chapter 496 of the laws of 2009, is amended to read as follows:

(e) In addition to any other provisions of law, any person convicted of a violation of paragraph (a), [~~(b),~~] (c), or (d) of this subdivision shall be guilty of [~~a Class A misdemeanor~~] **an offense of the same designation and classification as the offense for which the installation of such ignition interlock device was ordered, provided, however, if such offense was a felony then the felony classification of the violation pursuant to this paragraph shall be at the discretion of the presiding judge based upon any aggravating factors such judge deems relevant**. **In addition to any other provisions of law, any person convicted of a violation of paragraph (b) or (c) of this subdivision who has no underlying conviction which led to the installation of an ignition interlock device shall be guilty of a class A misdemeanor.**

§ 2. This act shall take effect on the thirtieth day after it shall have become a law; provided, that the amendments to section 1198 of the vehicle and traffic law made by section one of this act shall not affect the repeal of such section and shall be deemed repealed therewith.

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

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