

# STATE OF NEW YORK

248

2019-2020 Regular Sessions

## IN SENATE

(Prefiled)

January 9, 2019

Introduced by Sen. KENNEDY -- 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 vehicle and traffic law, in relation to increasing the class for certain vehicular crimes and enacting Kane's law

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

1 Section 1. Short title. This act shall be known and may be cited as  
2 "Kane's Law".  
3 § 2. The second undesignated paragraph of section 125.12 of the penal  
4 law, as amended by chapter 732 of the laws of 2006, is amended to read  
5 as follows:  
6 Vehicular manslaughter in the second degree is a class [~~D~~] **C** felony.  
7 § 3. The second undesignated paragraph of section 125.13 of the penal  
8 law, as amended by chapter 496 of the laws of 2009, is amended to read  
9 as follows:  
10 Vehicular manslaughter in the first degree is a class [~~E~~] **B** felony.  
11 § 4. The second undesignated paragraph of section 125.14 of the penal  
12 law, as amended by chapter 496 of the laws of 2009, is amended to read  
13 as follows:  
14 Aggravated vehicular homicide is a class [~~B~~] **A-2** felony.  
15 § 5. Paragraph (b) of subdivision 3 of section 511 of the vehicle and  
16 traffic law, as separately amended by chapters 786 and 892 of the laws  
17 of 1990, is amended to read as follows:  
18 (b) Aggravated unlicensed operation of a motor vehicle in the first  
19 degree is a class [~~E~~] **D** felony. When a person is convicted of this  
20 crime, the sentence of the court must be: (i) a fine in an amount not  
21 less than five hundred dollars nor more than five thousand dollars; and  
22 (ii) a term of imprisonment as provided in the penal law, or (iii) where  
23 appropriate and a term of imprisonment is not required by the penal law,

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

LBD05761-01-9

1 a sentence of probation as provided in subdivision six of this section,  
2 or (iv) a term of imprisonment as a condition of a sentence of probation  
3 as provided in the penal law.  
4 § 6. This act shall take effect immediately.