

# STATE OF NEW YORK

8728

## IN SENATE

July 10, 2020

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

AN ACT to amend the vehicle and traffic law and the penal law, in relation to the use of a vehicle as a weapon

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

1 Section 1. This act shall be known and may be cited as the "Heather D.  
2 Heyer act."

3 § 2. The vehicle and traffic law is amended by adding a new section  
4 1229-e to read as follows:

5 § 1229-e. Driving near protests. 1. When a protest with over fifteen  
6 people in attendance is occurring on a roadway, with the exception of  
7 police vehicles, emergency vehicles, and the vehicles of people partic-  
8 ipating in the protest, no driver of a vehicle shall drive upon such  
9 roadway within one thousand feet of the protest.

10 2. Whenever any vehicle, with the exception of police vehicles, emer-  
11 gency vehicles, and the vehicles of people participating in the protest,  
12 is stopped at a protest, the driver of any other vehicle approaching  
13 from the rear shall not overtake and pass such stopped vehicle.

14 3. A violation of subdivision one or two of this section shall be a  
15 traffic infraction and shall be punishable by a fine of not less than  
16 three hundred dollars nor more than five hundred dollars. A person who  
17 operates a vehicle in violation of such subdivisions after having been  
18 convicted of a violation of such subdivisions within the preceding five  
19 years shall be punished by a fine of not less than five hundred dollars  
20 nor more than seven hundred fifty dollars. A person who operates a vehi-  
21 cle in violation of such subdivisions after having been convicted two or  
22 more times of a violation of such subdivisions within the preceding ten  
23 years shall be guilty of a misdemeanor, and shall be punished by a fine  
24 of not less than seven hundred fifty dollars nor more than fifteen  
25 hundred dollars.

26 § 3. Section 485.10 of the penal law is amended by adding a new subdi-  
27 vision 3-a to read as follows:

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

LBD06429-03-0

1     3-a. Notwithstanding any other provision of law, when a person is  
2     convicted of a hate crime pursuant to this article where the underlying  
3     offense is vehicular manslaughter or a dangerous instrument is used as a  
4     weapon against a person during the commission of such hate crime, the  
5     specified offense is a class A-1 felony with which the minimum period of  
6     the indeterminate sentence shall not be less than twenty-five years.

7     § 4. This act shall take effect on the first of November next succeed-  
8     ing the date on which it shall have become a law.