

STATE OF NEW YORK

2858

2019-2020 Regular Sessions

IN SENATE

January 30, 2019

Introduced by Sen. FLANAGAN -- 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 including aggravated vehicular homicide as a violent felony offense

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

1 Section 1. Paragraph (a) of subdivision 1 of section 70.02 of the
2 penal law, as amended by chapter 189 of the laws of 2018, is amended to
3 read as follows:

4 (a) Class B violent felony offenses: an attempt to commit the class
5 A-I felonies of murder in the second degree as defined in section
6 125.25, kidnapping in the first degree as defined in section 135.25, and
7 arson in the first degree as defined in section 150.20; manslaughter in
8 the first degree as defined in section 125.20, aggravated manslaughter
9 in the first degree as defined in section 125.22, rape in the first
10 degree as defined in section 130.35, criminal sexual act in the first
11 degree as defined in section 130.50, aggravated sexual abuse in the
12 first degree as defined in section 130.70, course of sexual conduct
13 against a child in the first degree as defined in section 130.75;
14 assault in the first degree as defined in section 120.10, aggravated
15 vehicular homicide as defined in section 125.14, kidnapping in the
16 second degree as defined in section 135.20, burglary in the first degree
17 as defined in section 140.30, arson in the second degree as defined in
18 section 150.15, robbery in the first degree as defined in section
19 160.15, sex trafficking as defined in paragraphs (a) and (b) of subdivi-
20 sion five of section 230.34, sex trafficking of a child as defined in
21 section 230.34-a, incest in the first degree as defined in section
22 255.27, criminal possession of a weapon in the first degree as defined
23 in section 265.04, criminal use of a firearm in the first degree as
24 defined in section 265.09, criminal sale of a firearm in the first
25 degree as defined in section 265.13, aggravated assault upon a police

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

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1 officer or a peace officer as defined in section 120.11, gang assault in
2 the first degree as defined in section 120.07, intimidating a victim or
3 witness in the first degree as defined in section 215.17, hindering
4 prosecution of terrorism in the first degree as defined in section
5 490.35, criminal possession of a chemical weapon or biological weapon in
6 the second degree as defined in section 490.40, and criminal use of a
7 chemical weapon or biological weapon in the third degree as defined in
8 section 490.47.

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