

# STATE OF NEW YORK

5520

2021-2022 Regular Sessions

## IN ASSEMBLY

February 19, 2021

Introduced by M. of A. PICHARDO, SAYEGH, REYES -- read once and referred to the Committee on Transportation

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 one  
6 hundred people in attendance is occurring on a roadway, with the excep-  
7 tion of police vehicles, emergency vehicles, and the vehicles of people  
8 participating in the protest, no driver of a vehicle shall drive upon  
9 such 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.

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

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

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

§ 4. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.