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:

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

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

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

2. Whenever any vehicle, with the exception of police vehicles, emergency vehicles, and the vehicles of people participating in the protest, is stopped at a protest, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

3. A violation of subdivision one or two of this section shall be a traffic infraction and shall be punishable by a fine of not less than three hundred dollars nor more than five hundred dollars. A person who operates a vehicle in violation of such subdivisions after having been convicted of a violation of such subdivisions within the preceding five years shall be punished by a fine of not less than five hundred dollars nor more than seven hundred fifty dollars. A person who operates a vehicle in violation of such subdivisions after having been convicted two or more times of a violation of such subdivisions within the preceding ten years shall be guilty of a misdemeanor, and shall be punished by a fine of not less than seven hundred fifty dollars nor more than fifteen 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.