STATE OF NEW YORK

3485

2023-2024 Regular Sessions

IN ASSEMBLY

February 3, 2023

Introduced by M. of A. DeSTEFANO -- read once and referred to the Committee on Codes

AN ACT to amend the penal law and the vehicle and traffic law, in relation to including peace officers in certain offenses against public safety

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

Section 1. Section 270.25 of the penal law, as added by chapter 738 of the laws of 2006, is amended to read as follows:

§ 270.25 Unlawful fleeing a police officer **or peace officer** in a motor vehicle in the third degree.

A person is guilty of unlawful fleeing a police officer **or peace officer** in a motor vehicle in the third degree when, knowing that he or she has been directed to stop his or her motor vehicle by a uniformed police officer **or peace officer** or a marked police vehicle **or marked law enforcement agency peace officer vehicle** by the activation of either the lights or the lights and siren of such vehicle, he or she thereafter attempts to flee such officer or such vehicle by driving at speeds which equal or exceed twenty-five miles per hour above the speed limit or engaging in reckless driving as defined by section twelve hundred twelve of the vehicle and traffic law.

Unlawful fleeing a police officer **or peace officer** in a motor vehicle in the third degree is a class A misdemeanor.

§ 2. Section 270.30 of the penal law, as added by chapter 738 of the laws of 2006, is amended to read as follows:

§ 270.30 Unlawful fleeing a police officer **or peace officer** in a motor vehicle in the second degree.

A person is guilty of unlawful fleeing a police officer **or peace officer** in a motor vehicle in the second degree when he or she commits the offense of unlawful fleeing a police officer **or peace officer** in a motor vehicle in the third degree, as defined in section 270.25 of this arti-

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

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cle, and as a result of such conduct a police officer**, peace officer** or a third person suffers serious physical injury.

Unlawful fleeing a police officer **or peace officer** in a motor vehicle in the second degree is a class E felony.

§ 3. Section 270.35 of the penal law, as added by chapter 738 of the laws of 2006, is amended to read as follows:

§ 270.35 Unlawful fleeing a police officer **or peace officer** in a motor vehicle in the first degree.

A person is guilty of unlawful fleeing a police officer **or peace officer** in a motor vehicle in the first degree when he or she commits the offense of unlawful fleeing a police officer **or peace officer** in a motor vehicle in the third degree, as defined in section 270.25 of this article, and as a result of such conduct a police officer**, peace officer** or a third person is killed.

Unlawful fleeing a police officer **or peace officer** in a motor vehicle in the first degree is a class D felony.

§ 4. Section 101 of the vehicle and traffic law, as amended by chapter 496 of the laws of 2021, is amended to read as follows:

§ 101. Authorized emergency vehicle. Every ambulance, police vehicle or bicycle, **peace officer vehicle provided by a law enforcement agency,** correction vehicle, fire vehicle, civil defense emergency vehicle, emergency ambulance service vehicle, blood delivery vehicle, human organ delivery vehicle, county emergency medical services vehicle, environmental emergency response vehicle, sanitation patrol vehicle, hazardous materials emergency vehicle and ordnance disposal vehicle of the armed forces of the United States.

§ 5. This act shall take effect immediately.