STATE OF NEW YORK

5336

2023-2024 Regular Sessions

IN SENATE

March 2, 2023

Introduced by Sen. WEIK -- 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 vehicular assault and vehicular manslaughter

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

Section 1. Subdivision 3 of section 120.03 of the penal law, as amended by chapter 732 of the laws of 2006, is amended and a new subdivision 4 is added to read as follows:

(3) operates a snowmobile in violation of paragraph (b), (c) or (d) of subdivision one of section 25.24 of the parks, recreation and historic preservation law or operates an all terrain vehicle as defined in paragraph (a) of subdivision one of section twenty-two hundred eighty-one of the vehicle and traffic law and in violation of subdivision two, three, four, or four-a of section eleven hundred ninety-two of the vehicle and traffic law, and as a result of such intoxication or impairment by the use of a drug, or by the combined influence of drugs or of alcohol and any drug or drugs, operates such snowmobile or all terrain vehicle in a manner that causes such serious physical injury to such other person[~~.~~]**, or**

(4) operates a motor vehicle without having been licensed to operate a motor vehicle in the state of New York, and while operating said motor vehicle causes serious physical injury to another person.

§ 2. Subdivision 7 of section 125.13 of the penal law, as added by chapter 688 of the laws of 2022, is amended and a new subdivision 8 is added to read as follows:

(7) commits such crime while operating a vessel in violation of paragraph (e-1) of subdivision two of section forty-nine-a of the navigation law while a child who is fifteen years of age or less is a passenger in such vessel and causes the death of such child[~~.~~]**; or**

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

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(8) operates a motor vehicle without having been licensed to operate a motor vehicle in the state of New York, and while operating said motor vehicle causes the death of another person.

§ 3. This act shall take effect on the one hundred twentieth day after it shall have become a law; provided, however, that if chapter 688 of the laws of 2022 shall not have taken effect on or before such date then section two of this act shall take effect on the same date and in the same manner as such chapter of the laws of 2022, takes effect.