

STATE OF NEW YORK

9925

IN SENATE

October 9, 2024

Introduced by Sen. PALUMBO -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the penal law and the vehicle and traffic law, in relation to establishing the offense of aggravated obstructing emergency medical services

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

1 Section 1. The penal law is amended by adding a new section 195.16-a
2 to read as follows:

3 § 195.16-a Aggravated obstructing emergency medical services.

4 A person is guilty of aggravated obstructing emergency medical
5 services when such person intentionally and unreasonably obstructs the
6 efforts of any services, technician, personnel, system or unit specified
7 in section three thousand one of the public health law in the perform-
8 ance of their duties and either:

9 1. engages in conduct that obstructs vehicular traffic pursuant to
10 subdivision five of section 240.20 of this part; or

11 2. engages in conduct that poses a risk of serious physical injury to
12 others.

13 Aggravated obstructing emergency medical services is a class E felony.

14 § 2. The section heading, subdivision 2, subparagraph (ii) of para-
15 graph (a) of subdivision 5, and subdivisions 6 and 8 of section 511-c of
16 the vehicle and traffic law, as added by chapter 607 of the laws of
17 1993, are amended to read as follows:

18 Seizure and forfeiture of vehicles used in the unlicensed operation of
19 a motor vehicle and aggravated obstructing emergency medical services
20 under certain circumstances.

21 2. Any motor vehicle which has been or is being used in violation of
22 paragraph (a) of subdivision three of section five hundred eleven of
23 this article, or section 195.16-a of the penal law may be seized by any
24 peace officer, acting pursuant to [~~his or her~~] their special duties, or
25 police officer, and forfeited as hereinafter provided in this section.

26 (ii) The person seeking to claim the motor vehicle has furnished
27 satisfactory evidence of registration and financial security and, if the

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

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1 person was the operator of the vehicle at the time of the violation of
2 paragraph (a) of subdivision three of section five hundred eleven of
3 this article, or section 195.16-a of the penal law, satisfactory
4 evidence of payment of any fines or penalties imposed in connection
5 therewith; and

6 6. Where a demand for the return of a motor vehicle is not made within
7 ninety days after the termination of the criminal proceeding founded
8 upon the charge of aggravated unlicensed operation of a motor vehicle in
9 the first degree, or aggravated obstructing emergency services under
10 section 195.16-a of the penal law, such motor vehicle shall be deemed to
11 be abandoned. Such vehicle shall be disposed of by the county, cities of
12 New York, Yonkers, Rochester or Buffalo or the state, as applicable, in
13 accordance with section twelve hundred twenty-four of this chapter or as
14 otherwise provided by law.

15 8. Any owner who receives notice of the institution of a forfeiture
16 action who claims an interest in the motor vehicle subject to forfeiture
17 shall assert a claim for the recovery of the motor vehicle or satisfac-
18 tion of the owner's interest in such motor vehicle by intervening in the
19 forfeiture action in accordance with subdivision (a) of section one
20 thousand twelve of the civil practice law and rules. Any person with a
21 security interest in such vehicle who receives notice of the institution
22 of the forfeiture action shall assert a claim for the satisfaction of
23 such person's security interest in such vehicle by intervening in the
24 forfeiture action in accordance with subdivision (a) of section one
25 thousand twelve of the civil practice law and rules. If the action
26 relates to a vehicle in which a person holding a security interest has
27 intervened pursuant to this subdivision, the burden shall be upon the
28 designated official to prove by clear and convincing evidence that such
29 intervenor knew that such vehicle was or would be used for the commis-
30 sion of a violation of subparagraph (ii) of paragraph (a) of subdivision
31 three of section five hundred eleven of [~~the vehicle and traffic law~~]
32 this chapter or aggravated obstructing emergency services under section
33 195.16-a of the penal law, and either (a) knowingly and unlawfully bene-
34 fitted from such conduct or (b) voluntarily agreed to the use of the
35 vehicle for the commission of such violation by consent freely given.
36 For purposes of this subdivision, such intervenor knowingly and unlaw-
37 fully benefited from the commission of such violation when [~~he or she~~]
38 they derived in exchange for permitting the use of such vehicle by a
39 person or persons committing such specified violation a substantial
40 benefit that would otherwise not have accrued as a result of the lawful
41 use of such vehicle. "Benefit" means benefit as defined in subdivision
42 seventeen of section 10.00 of the penal law.

43 § 3. This act shall take effect on the thirtieth day after it shall
44 have become a law.