

# STATE OF NEW YORK

3639

2025-2026 Regular Sessions

## IN SENATE

January 29, 2025

Introduced by Sens. MURRAY, BORRELLO, CANZONERI-FITZPATRICK, GALLIVAN, HELMING, MARTINS, MATTERA, OBERACKER, PALUMBO, RHOADS, ROLISON, TEDISCO, WEBER, WEIK -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation

AN ACT to amend the vehicle and traffic law and the criminal procedure law, in relation to increasing penalties for leaving the scene of an accident without reporting

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 "Nick's law".  
2 § 2. Paragraph c of subdivision 2 of section 600 of the vehicle and  
3 traffic law, as amended by chapter 497 of the laws of 2022, is amended  
4 to read as follows:  
5 c. A violation of the provisions of paragraph a of this subdivision  
6 resulting solely from the failure of an operator to exhibit [~~his or her~~  
7 their] license and insurance identification card for the vehicle or  
8 exchange the information required in such paragraph shall constitute a  
9 class B misdemeanor punishable by a fine of not less than two hundred  
10 fifty nor more than five hundred dollars in addition to any other penal-  
11 ties provided by law. Any subsequent such violation shall constitute a  
12 class A misdemeanor punishable by a fine of not less than five hundred  
13 nor more than one thousand dollars in addition to any other penalties  
14 provided by law. Any violation of the provisions of paragraph a of this  
15 subdivision, other than for the mere failure of an operator to exhibit  
16 [~~his or her~~] their license and insurance identification card for such  
17 vehicle or exchange the information required in such paragraph, shall  
18 constitute a class A misdemeanor, punishable by a fine of not less than  
19 seven hundred fifty dollars nor more than one thousand dollars in addi-  
20 tion to any other penalties provided by law. Any such violation commit-  
21 ted by a person after such person has previously been convicted of such  
22 a violation shall constitute a class E felony, punishable by a fine of  
23 not less than one thousand nor more than three thousand dollars in addi-  
24 tion to any other penalties provided by law. Any violation of the  
25 provisions of paragraph a of this subdivision, other than for the mere

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

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1 failure of an operator to exhibit [~~his or her~~] their license and insurance  
2 identification card for such vehicle or exchange the information  
3 required in such paragraph, where the personal injury involved (i)  
4 results in serious physical injury, as defined in section 10.00 of the  
5 penal law, shall constitute a class E felony, punishable by a fine of  
6 not less than one thousand nor more than five thousand dollars in addition  
7 to any other penalties provided by law, or (ii) results in death  
8 shall constitute a class [~~D~~] B felony punishable by a fine of [~~not less~~  
9 ~~than two thousand nor more than five~~] thirty thousand dollars in addition  
10 to any other penalties provided by law.

11 § 3. Subdivisions 4 and 5 of section 722.21 of the criminal procedure  
12 law, subdivision 4 as added by section 1-a of part WWW of chapter 59 of  
13 the laws of 2017, and subdivision 5 as amended by chapter 23 of the laws  
14 of 2024, are amended to read as follows:

15 4. Notwithstanding the provisions of subdivisions two and three of  
16 this section, where the defendant is charged with a felony, other than a  
17 class A felony defined outside article two hundred twenty of the penal  
18 law, a violent felony defined in section 70.02 of the penal law [~~or~~], a  
19 felony listed in paragraph one or two of subdivision forty-two of  
20 section 1.20 of this chapter, or leaving the scene of an accident without  
21 reporting as defined in section six hundred of the vehicle and traf-  
22 fic law, where such accident resulted in the death of another person,  
23 except as provided in paragraph (c) of subdivision two of section 722.23  
24 of this article, the court shall, upon notice from the district attorney  
25 that [~~he or she~~] they will not file a motion to prevent removal pursuant  
26 to section 722.23 of this article, order transfer of an action against  
27 an adolescent offender to the family court pursuant to the provisions of  
28 article seven hundred twenty-five of this title, provided, however,  
29 notwithstanding any other provision of law, section 308.1 of the family  
30 court act shall apply to actions transferred pursuant to this subdivision  
31 and such actions shall not be considered removals subject to subdivision  
32 thirteen of such section 308.1.

33 5. Notwithstanding subdivisions two and three of this section, at the  
34 request of the district attorney, the court shall order removal of an  
35 action against an adolescent offender charged with an offense listed in  
36 paragraph (a) of subdivision two of section 722.23 of this article, to  
37 the family court pursuant to the provisions of article seven hundred  
38 twenty-five of this title and upon consideration of the criteria specified  
39 in subdivision two of section 722.22 of this article, it is determined  
40 that to do so would be in the interests of justice. Where, however,  
41 the felony complaint charges the adolescent offender with murder in  
42 the second degree as defined in section 125.25 of the penal law, rape in  
43 the first degree as defined in paragraph (a) of subdivision one, paragraph  
44 (a) of subdivision two and paragraph (a) of subdivision three of  
45 section 130.35 of the penal law, rape in the first degree as formerly  
46 defined in subdivision one of section 130.35 of the penal law, a crime  
47 formerly defined in subdivision one of section 130.50 of the penal law,  
48 [~~or~~] an armed felony as defined in paragraph (a) of subdivision forty-  
49 one of section 1.20 of this chapter, or leaving the scene of an accident  
50 without reporting as defined in section six hundred of the vehicle and  
51 traffic law, where such accident resulted in the death of another  
52 person, a determination that such action be removed to the family court  
53 shall, in addition, be based upon a finding of one or more of the  
54 following factors: (i) mitigating circumstances that bear directly upon  
55 the manner in which the crime was committed; or (ii) where the defendant  
56 was not the sole participant in the crime, the defendant's participation

1 was relatively minor although not so minor as to constitute a defense to  
2 the prosecution; or (iii) possible deficiencies in proof of the crime.

3 § 4. Subdivision 1 of section 722.22 of the criminal procedure law, as  
4 added by section 1-a of part WWW of chapter 59 of the laws of 2017, and  
5 paragraph (b) as amended by chapter 23 of the laws of 2024, is amended  
6 to read as follows:

7 1. After a motion by a juvenile offender, pursuant to subdivision five  
8 of section 722.20 of this article, or after arraignment of a juvenile  
9 offender upon an indictment, the court may, on motion of any party or on  
10 its own motion:

11 (a) except as otherwise provided by paragraph (b) of this subdivision,  
12 order removal of the action to the family court pursuant to the  
13 provisions of article seven hundred twenty-five of this title, if, after  
14 consideration of the factors set forth in subdivision two of this  
15 section, the court determines that to do so would be in the interests of  
16 justice; or

17 (b) with the consent of the district attorney, order removal of an  
18 action involving an indictment charging a juvenile offender with murder  
19 in the second degree as defined in section 125.25 of the penal law; rape  
20 in the first degree, as defined in paragraph (a) of subdivision one,  
21 paragraph (a) of subdivision two and paragraph (a) of subdivision three  
22 of section 130.35 of the penal law; rape in the first degree as formerly  
23 defined in subdivision one of section 130.35 of the penal law; a crime  
24 formerly defined in subdivision one of section 130.50 of the penal law;  
25 ~~[or]~~ an armed felony as defined in paragraph (a) of subdivision forty-  
26 one of section 1.20 of this chapter; or leaving the scene of an accident  
27 without reporting as defined in section six hundred of the vehicle and  
28 traffic law, where such accident resulted in the death of another  
29 person, to the family court pursuant to the provisions of article seven  
30 hundred twenty-five of this title if the court finds one or more of the  
31 following factors: (i) mitigating circumstances that bear directly upon  
32 the manner in which the crime was committed; (ii) where the defendant  
33 was not the sole participant in the crime, the defendant's participation  
34 was relatively minor although not so minor as to constitute a defense to  
35 the prosecution; or (iii) possible deficiencies in the proof of the  
36 crime, and, after consideration of the factors set forth in subdivision  
37 two of this section, the court determined that removal of the action to  
38 the family court would be in the interests of justice.

39 § 5. Paragraph (a) of subdivision 2 of section 722.23 of the criminal  
40 procedure law, as added by section 1-a of part WWW of chapter 59 of the  
41 laws of 2017, is amended to read as follows:

42 (a) Upon the arraignment of a defendant charged with a crime committed  
43 when ~~[he or she was]~~ they were sixteen or, commencing October first, two  
44 thousand nineteen, seventeen years of age on a class A felony, other  
45 than those defined in article 220 of the penal law, ~~[or]~~ a violent felo-  
46 ny defined in section 70.02 of the penal law, or leaving the scene of an  
47 accident without reporting as defined in section six hundred of the  
48 vehicle and traffic law, where such accident resulted in the death of  
49 another person, the court shall schedule an appearance no later than six  
50 calendar days from such arraignment for the purpose of reviewing the  
51 accusatory instrument pursuant to this subdivision. The court shall  
52 notify the district attorney and defendant regarding the purpose of such  
53 appearance.

54 § 6. This act shall take effect immediately.