

STATE OF NEW YORK

3344

2025-2026 Regular Sessions

IN ASSEMBLY

January 27, 2025

Introduced by M. of A. SMITH, DeSTEFANO, GIGLIO, DURSO, BRABENEC, MIKULIN -- read once and referred 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

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

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

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

16 4. Notwithstanding the provisions of subdivisions two and three of
17 this section, where the defendant is charged with a felony, other than a
18 class A felony defined outside article two hundred twenty of the penal
19 law, a violent felony defined in section 70.02 of the penal law [~~or~~], a
20 felony listed in paragraph one or two of subdivision forty-two of
21 section 1.20 of this chapter, or leaving the scene of an accident with-
22 out reporting as defined in section six hundred of the vehicle and traf-
23 fic law, where such accident resulted in the death of another person,
24 except as provided in paragraph (c) of subdivision two of section 722.23
25 of this article, the court shall, upon notice from the district attorney
26 that [~~he or she~~] they will not file a motion to prevent removal pursuant
27 to section 722.23 of this article, order transfer of an action against
28 an adolescent offender to the family court pursuant to the provisions of
29 article seven hundred twenty-five of this title, provided, however,
30 notwithstanding any other provision of law, section 308.1 of the family
31 court act shall apply to actions transferred pursuant to this subdivi-
32 sion and such actions shall not be considered removals subject to subdivi-
33 sion thirteen of such section 308.1.

34 5. Notwithstanding subdivisions two and three of this section, at the
35 request of the district attorney, the court shall order removal of an
36 action against an adolescent offender charged with an offense listed in
37 paragraph (a) of subdivision two of section 722.23 of this article, to
38 the family court pursuant to the provisions of article seven hundred
39 twenty-five of this title and upon consideration of the criteria speci-
40 fied in subdivision two of section 722.22 of this article, it is deter-
41 mined that to do so would be in the interests of justice. Where, howev-
42 er, the felony complaint charges the adolescent offender with murder in
43 the second degree as defined in section 125.25 of the penal law, rape in
44 the first degree as defined in paragraph (a) of subdivision one, para-
45 graph (a) of subdivision two and paragraph (a) of subdivision three of
46 section 130.35 of the penal law, rape in the first degree as formerly
47 defined in subdivision one of section 130.35 of the penal law, a crime
48 formerly defined in subdivision one of section 130.50 of the penal law,
49 [~~or~~] an armed felony as defined in paragraph (a) of subdivision forty-
50 one of section 1.20 of this chapter, or leaving the scene of an accident
51 without reporting as defined in section six hundred of the vehicle and
52 traffic law, where such accident resulted in the death of another
53 person, a determination that such action be removed to the family court
54 shall, in addition, be based upon a finding of one or more of the
55 following factors: (i) mitigating circumstances that bear directly upon
56 the manner in which the crime was committed; or (ii) where the defendant

1 was not the sole participant in the crime, the defendant's participation
2 was relatively minor although not so minor as to constitute a defense to
3 the prosecution; or (iii) possible deficiencies in proof of the crime.

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

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

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

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

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

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

55 § 6. This act shall take effect immediately.