# STATE OF NEW YORK

5839

2025-2026 Regular Sessions

# IN ASSEMBLY

February 24, 2025

Introduced by M. of A. GIGLIO -- 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 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:**

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

**§ 195.16-a Aggravated obstructing emergency medical services.**

**A person is guilty of aggravated obstructing emergency medical services when such person intentionally and unreasonably obstructs the efforts of any services, technician, personnel, system or unit specified in section three thousand one of the public health law in the performance of their duties and either:**

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

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

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

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

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

2. Any motor vehicle which has been or is being used in violation of paragraph (a) of subdivision three of section five hundred eleven of this article**, or section 195.16-a of the penal law** may be seized by any

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

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peace officer, acting pursuant to [~~his or her~~] **their** special duties, or police officer, and forfeited as hereinafter provided in this section.

(ii) The person seeking to claim the motor vehicle has furnished satisfactory evidence of registration and financial security and, if the person was the operator of the vehicle at the time of the violation of paragraph (a) of subdivision three of section five hundred eleven of this article**, or section 195.16-a of the penal law**, satisfactory evidence of payment of any fines or penalties imposed in connection therewith; and

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

8. Any owner who receives notice of the institution of a forfeiture action who claims an interest in the motor vehicle subject to forfeiture shall assert a claim for the recovery of the motor vehicle or satisfaction of the owner's interest in such motor vehicle by intervening in the forfeiture action in accordance with subdivision (a) of section one thousand twelve of the civil practice law and rules. Any person with a security interest in such vehicle who receives notice of the institution of the forfeiture action shall assert a claim for the satisfaction of such person's security interest in such vehicle by intervening in the forfeiture action in accordance with subdivision (a) of section one thousand twelve of the civil practice law and rules. If the action relates to a vehicle in which a person holding a security interest has intervened pursuant to this subdivision, the burden shall be upon the designated official to prove by clear and convincing evidence that such intervenor knew that such vehicle was or would be used for the commission of a violation of subparagraph (ii) of paragraph (a) of subdivision three of section five hundred eleven of [~~the vehicle and traffic law~~] **this chapter or aggravated obstructing emergency services under section 195.16-a of the penal law,** and either (a) knowingly and unlawfully benefitted from such conduct or (b) voluntarily agreed to the use of the vehicle for the commission of such violation by consent freely given. For purposes of this subdivision, such intervenor knowingly and unlawfully benefited from the commission of such violation when [~~he or she~~] **they** derived in exchange for permitting the use of such vehicle by a person or persons committing such specified violation a substantial benefit that would otherwise not have accrued as a result of the lawful use of such vehicle. "Benefit" means benefit as defined in subdivision seventeen of section 10.00 of the penal law.

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