

LEAVING SCENE OF AN INCIDENT WITHOUT REPORTING
(E Felony)¹
(Serious Physical Injury)
VEHICLE & TRAFFIC LAW § 600(2)
(Committed on or after May 24, 2005)

The _____ count is Leaving the Scene of an Incident Without Reporting.

Under our law, any person operating a motor vehicle who knows or has cause to know² that personal injury has been caused to another person, due to an incident involving the motor vehicle operated by such person shall, before leaving the place where the said personal injury occurred, stop, exhibit his or her license and insurance identification card for such vehicle, when such card is required by law,³ and give his or her name, residence, including street and street number, insurance carrier and insurance identification information including but not limited to the number and effective dates of said individual's insurance policy and license number, to the injured party, if practical, and also to a police officer, or in the event that no police officer is in the vicinity of the place of said injury, then, he or she shall report said incident as soon as physically able to the nearest police station or judicial officer.

¹ VTL § 600(2) designates as a class B misdemeanor a defendant's first violation of VTL § 600(2)(a), as a class A misdemeanor any subsequent violation. As of May 24, 2005, a violation of the leaving the scene statute "other than for the mere failure of an operator to exhibit his or her license and insurance identification card for such vehicle or exchange the information required" is a class E felony if the personal injury involved resulted in serious physical injury and a class D felony if the personal injury involved resulted in death. L. 2005, c. 49. Prior to May 24, 2005, it was a class E felony if the personal injury involved resulted in death.

² The statute reads: "who, knowing or having cause to know. . . ." VTL § 600(2)(a). To correct a grammatical error in the statute, the instruction instead reads "who knows or has cause to know."

³ At this point, the words "by law" substitute for the statutory words: "pursuant to articles six and eight of this chapter."

A person who commits this crime is guilty of a felony if the crime is committed in a manner other than for the mere failure of an operator to exhibit his or her license and insurance identification card for such vehicle or exchange the information required, and the personal injury involved results in serious physical injury.⁴

With certain exceptions not applicable here, an insurance identification card is required by law.

Some of the terms used in this definition have their own special meaning in our law. I will now give you the meaning of the following terms: “motor vehicle” and “serious physical injury.”

MOTOR VEHICLE means every vehicle operated or driven upon a public highway which is propelled by any power other than muscular power.⁵

SERIOUS PHYSICAL INJURY means impairment of a person's physical condition which creates a substantial risk of death or which causes death or serious and protracted disfigurement, protracted impairment of health or protracted loss or impairment of the function of any bodily organ.⁶

In order for you to find the defendant guilty of this crime, the People are required to prove, from all of the evidence in the case, beyond a reasonable doubt, each of the following four elements:

⁴ The phrase “or exchange the information required” was added by the L. 2005, c. 49, effective May 24, 2005.

⁵ The term “motor vehicle” is defined in Vehicle and Traffic Law § 125. That definition contains exceptions which are not set forth in the text of this charge. The term “public highway” appearing in the definition of “motor vehicle” is itself separately defined in Vehicle and Traffic Law § 134 and the terms within that definition are also separately defined in article one of the Vehicle and Traffic Law. If an exception or definition is in issue, then the charge should be amplified accordingly.

⁶ See Penal Law § 10.00(10).

1. That on or about (date), in the county of (county), the defendant, (defendant's name), operated a motor vehicle;
2. That at that time and place, the defendant knew or had cause to know that personal injury had been caused to another person, due to an incident involving the motor vehicle operated by the defendant;
3. That the defendant did not, before leaving the place where the said personal injury occurred, stop, exhibit his/her license, and insurance identification card for such vehicle, when such card is required by law, and give his/her name, residence, including street and street number, insurance carrier and insurance identification information including but not limited to the number and effective dates of said individual's insurance policy and license number, to the injured party, if practical, and also to a police officer, or in the event that no police officer was in the vicinity of the place of said injury, then, he/she did not report said incident as soon as physically able to the nearest police station or judicial officer; and
4. That the defendant did so in a manner other than mere failure of an operator to exhibit his/her license and insurance identification card for such vehicle or exchange the information required, and the personal injury involved resulted in serious physical injury.

Therefore, if you find that the People have proven beyond a reasonable doubt each of those elements, you must find the defendant guilty of the crime of Leaving the Scene of an Incident Without Reporting as charged in the _____ count.

On the other hand, if you find that the People have not proven beyond a reasonable doubt any one or more of those elements, you must find the defendant not guilty of the crime of Leaving the Scene of an Incident Without Reporting as charged in

the _____ count.