

9488

I N   A S S E M B L Y

March 7, 2012

Introduced by M. of A. GABRYSZAK -- read once and referred to the  
Committee on Codes

AN ACT to amend the penal law, in relation to assault of a child

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 "Jay J's law".

2     S 2. Subdivision 4 of section 120.10 of the penal law, as amended by  
3 chapter 791 of the laws of 1967, is amended and a new subdivision 5 is  
4 added to read as follows:

5     4. In the course of and in furtherance of the commission or attempted  
6 commission of a felony or of immediate flight therefrom, he, or another  
7 participant if there be any, causes serious physical injury to a person  
8 other than one of the participants[.]; OR

9     5. BEING EIGHTEEN YEARS OLD OR MORE AND WITH INTENT TO CAUSE PHYSICAL  
10 INJURY TO A PERSON LESS THAN ELEVEN YEARS OLD, HE OR SHE RECKLESSLY  
11 CAUSES SERIOUS PHYSICAL INJURY TO SUCH PERSON; AND HAS PREVIOUSLY BEEN  
12 CONVICTED OF ASSAULT IN THE FIRST DEGREE, SECOND DEGREE, OR THIRD DEGREE  
13 AGAINST A PERSON LESS THAN ELEVEN YEARS OLD; OR HAS BEEN CONVICTED OF  
14 ATTEMPTED ASSAULT IN THE FIRST DEGREE, SECOND DEGREE, OR THIRD DEGREE  
15 AGAINST A PERSON LESS THAN ELEVEN YEARS OLD; OR HAS BEEN CONVICTED OF  
16 RECKLESS ASSAULT OF A CHILD; OR ATTEMPTED RECKLESS ASSAULT OF A CHILD.

17     S 3. Section 120.12 of the penal law, as added by chapter 477 of the  
18 laws of 1990, is amended to read as follows:

19 S 120.12 Aggravated assault upon a person less than eleven years old.

20     1. A person is guilty of aggravated assault upon a person less than  
21 eleven years old when being eighteen years old or more the defendant  
22 commits the crime of assault in the third degree as defined in section  
23 120.00 of this article upon a person less than eleven years old and has  
24 been previously convicted of such crime upon a person less than eleven  
25 years old within the preceding [three] TEN years.

26     Aggravated assault upon a person less than eleven years old is a class  
27 [E] D felony.

28     2. AGGRAVATED ASSAULT UPON A PERSON LESS THAN ELEVEN YEARS OLD AS  
29 DEFINED IN SUBDIVISION ONE OF THIS SECTION SHALL BE A CLASS B FELONY  
30 WHEN THE PERSON SO CONVICTED HAS PREVIOUSLY BEEN CONVICTED OF SUCH CRIME  
31 AS DEFINED IN SUBDIVISION ONE OF THIS SECTION.

32     S 4. This act shall take effect immediately.

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

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