

S. 3038

A. 4762

2011-2012 Regular Sessions

S E N A T E - A S S E M B L Y

February 7, 2011

IN SENATE -- Introduced by Sen. MONTGOMERY -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

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

AN ACT to amend the penal law, in relation to creating the offense of failure to administer cardiopulmonary resuscitation; and to amend the general municipal law, in relation to requiring paid emergency responders to be retrained annually in cardiopulmonary resuscitation

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Short title. This act shall be known and may be cited as
2 "Briana's Law".

3 S 2. Title H of part 3 of the penal law is amended by adding a new
4 article 137 to read as follows:

5 ARTICLE 137

6 FAILURE TO ADMINISTER CARDIOPULMONARY RESUSCITATION
7 SECTION 137.00 FAILURE TO ADMINISTER CARDIOPULMONARY RESUSCITATION IN
8 THE SECOND DEGREE.

9 137.05 FAILURE TO ADMINISTER CARDIOPULMONARY RESUSCITATION IN
10 THE FIRST DEGREE.

11 S 137.00 FAILURE TO ADMINISTER CARDIOPULMONARY RESUSCITATION IN THE
12 SECOND DEGREE.

13 A PERSON IS GUILTY OF FAILURE TO ADMINISTER CARDIOPULMONARY RESUSCI-
14 TATION IN THE SECOND DEGREE WHEN HE OR SHE, ACTING IN HIS OR HER CAPACI-
15 TY AS A PAID EMERGENCY RESPONDER INCLUDING POLICE OFFICERS; FIREFIGHT-
16 ERS; AND EMERGENCY MEDICAL TECHNICIANS REFUSES TO ADMINISTER
17 CARDIOPULMONARY RESUSCITATION, AS DEFINED BY SUBDIVISION SIX OF SECTION
18 SIX HUNDRED TWENTY-ONE OF THE GENERAL BUSINESS LAW, TO SOMEONE IN NEED
19 OF SUCH CARDIOPULMONARY RESUSCITATION.

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

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1 FAILURE TO ADMINISTER CARDIOPULMONARY RESUSCITATION IN THE SECOND
2 DEGREE IS A CLASS A MISDEMEANOR.

3 S 137.05 FAILURE TO ADMINISTER CARDIOPULMONARY RESUSCITATION IN THE
4 FIRST DEGREE.

5 A PERSON IS GUILTY OF FAILURE TO ADMINISTER CARDIOPULMONARY RESUSCI-
6 TATION IN THE SECOND DEGREE WHEN HE OR SHE, ACTING IN HIS OR HER CAPACI-
7 TY AS A PAID EMERGENCY RESPONDER INCLUDING POLICE OFFICERS; FIREFIGHT-
8 ERS; AND EMERGENCY MEDICAL TECHNICIANS REFUSES TO ADMINISTER
9 CARDIOPULMONARY RESUSCITATION, AS DEFINED BY SUBDIVISION SIX OF SECTION
10 SIX HUNDRED TWENTY-ONE OF THE GENERAL BUSINESS LAW, TO SOMEONE IN NEED
11 OF SUCH CARDIOPULMONARY RESUSCITATION AND THE PERSON IN NEED OF SUCH
12 CARDIOPULMONARY RESUSCITATION BECOMES PERMANENTLY DISABLED OR DIES.

13 FAILURE TO ADMINISTER CARDIOPULMONARY RESUSCITATION IN THE FIRST
14 DEGREE IN A CLASS E FELONY.

15 S 3. The general municipal law is amended by adding a new section
16 208-h to read as follows:

17 S 208-H. ANNUAL CARDIOPULMONARY RESUSCITATION RETRAINING. EVERY PAID
18 EMERGENCY RESPONDER INCLUDING: POLICE OFFICERS; FIREFIGHTERS; AND EMER-
19 GENCY MEDICAL TECHNICIANS SHALL BE ANNUALLY:

20 1. RETRAINED IN CARDIOPULMONARY RESUSCITATION AS DEFINED BY SUBDIVI-
21 SION SIX OF SECTION SIX HUNDRED TWENTY-ONE OF THE GENERAL BUSINESS LAW;
22 AND

23 2. REQUIRED TO DEMONSTRATE THE SATISFACTORY COMPLETION OF TRAINING IN
24 CARDIOPULMONARY RESUSCITATION.

25 S 4. This act shall take effect on the sixtieth day after it shall
26 have become a law.