S T A T E O F N E W Y O R K

3686

2011-2012 Regular Sessions

I N S E N A T E

March 2, 2011

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

AN ACT to amend the penal law, in relation to enhancing the penalties for violations of orders of protection

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

Section 1. Section 215.52 of the penal law, as amended by chapter 350 of the laws of 2006, is amended to read as follows:

S 215.52 Aggravated criminal contempt.

A person is guilty of aggravated criminal contempt when:

1. in violation of a duly served order of protection, or such order of which the defendant has actual knowledge because he or she was present in court when such order was issued, or an order of protection issued by a court of competent jurisdiction in another state, territorial or tribal jurisdiction, he or she intentionally or recklessly causes physical injury or serious physical injury to a person for whose protection such order was issued; or

2. he or she commits the crime of criminal contempt in the first degree as defined in subdivision (b) or (d) of section 215.51 of this article and has been previously convicted of the crime of aggravated criminal contempt; or

3. he or she commits the crime of criminal contempt in the first degree, as defined in paragraph (i), (ii), (iii), (v) or (vi) of subdivision (b) or subdivision (c) of section 215.51 of this article, and has been previously convicted of the crime of criminal contempt in the first degree, as defined in such subdivision (b), (c) or (d) of section 215.51 of this article, within the preceding five years.

Aggravated criminal contempt is a class [D] C felony.

S 2. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.

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

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