

409

2011-2012 Regular Sessions

I N   A S S E M B L Y

(PREFILED)

January 5, 2011

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

AN ACT to amend the penal law, in relation to establishing the crimes of menacing, assault and aggravated assault on a judge, district attorney or assistant district attorney

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

1     Section 1. The penal law is amended by adding a new section 120.71 to  
2     read as follows:  
3     S 120.71 ASSAULT ON A JUDGE OR DISTRICT ATTORNEY.  
4     A PERSON IS GUILTY OF ASSAULT ON A JUDGE OR DISTRICT ATTORNEY WHEN HE  
5     OR SHE CAUSES SERIOUS PHYSICAL INJURY TO A PERSON WHOM HE OR SHE KNOWS  
6     OR REASONABLY SHOULD KNOW TO BE A JUDGE, DISTRICT ATTORNEY OR ASSISTANT  
7     DISTRICT ATTORNEY.  
8     ASSAULT ON A JUDGE OR DISTRICT ATTORNEY IS A CLASS C FELONY.  
9     S 2. The penal law is amended by adding a new section 120.72 to read  
10    as follows:  
11    S 120.72 AGGRAVATED ASSAULT ON A JUDGE OR DISTRICT ATTORNEY.  
12    A PERSON IS GUILTY OF AGGRAVATED ASSAULT ON A JUDGE OR DISTRICT ATTOR-  
13    NEY WHEN, WITH INTENT TO CAUSE SERIOUS PHYSICAL INJURY TO A PERSON WHOM  
14    HE OR SHE KNOWS OR REASONABLY SHOULD KNOW TO BE A JUDGE, DISTRICT ATTOR-  
15    NEY OR ASSISTANT DISTRICT ATTORNEY, HE OR SHE CAUSES SUCH INJURY BY  
16    MEANS OF A DEADLY WEAPON OR DANGEROUS INSTRUMENT.  
17    AGGRAVATED ASSAULT ON A JUDGE OR DISTRICT ATTORNEY IS A CLASS B FELO-  
18    NY.  
19    S 3. The penal law is amended by adding a new section 120.73 to read  
20    as follows:  
21    S 120.73 MENACING A JUDGE OR DISTRICT ATTORNEY.  
22    A PERSON IS GUILTY OF MENACING A JUDGE OR DISTRICT ATTORNEY WHEN HE OR  
23    SHE INTENTIONALLY PLACES OR ATTEMPTS TO PLACE A JUDGE, DISTRICT ATTORNEY

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

LBD01905-01-1

1 OR ASSISTANT DISTRICT ATTORNEY IN REASONABLE FEAR OF PHYSICAL INJURY,  
2 SERIOUS PHYSICAL INJURY OR DEATH BY DISPLAYING A DEADLY WEAPON, KNIFE,  
3 PISTOL, REVOLVER, RIFLE, SHOTGUN, MACHINE GUN OR OTHER FIREARM, WHETHER  
4 OPERABLE OR NOT, WHERE THE DEFENDANT KNEW OR REASONABLY SHOULD HAVE  
5 KNOWN THAT SUCH VICTIM WAS A JUDGE, DISTRICT ATTORNEY OR ASSISTANT  
6 DISTRICT ATTORNEY.  
7 MENACING A JUDGE OR DISTRICT ATTORNEY IS A CLASS D FELONY.  
8 S 4. This act shall take effect immediately.