

409--A

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 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 OR DISTRICT ATTORNEY. FOR THE  
7     PURPOSES OF THIS SECTION "DISTRICT ATTORNEY" SHALL INCLUDE ALL PERSONS  
8     APPOINTED BY A DISTRICT ATTORNEY TO SERVE AS ASSISTANT DISTRICT ATTORNEY  
9     AND THOSE PERSONS SERVING AS A SPECIAL PROSECUTOR WHEN SERVING IN SUCH  
10    CAPACITY.  
11    ASSAULT ON A JUDGE OR DISTRICT ATTORNEY IS A CLASS C FELONY.  
12    S 2. The penal law is amended by adding a new section 120.72 to read  
13    as follows:  
14    S 120.72 AGGRAVATED ASSAULT ON A JUDGE OR DISTRICT ATTORNEY.  
15    A PERSON IS GUILTY OF AGGRAVATED ASSAULT ON A JUDGE OR DISTRICT ATTOR-  
16    NEY WHEN, WITH INTENT TO CAUSE SERIOUS PHYSICAL INJURY TO A PERSON WHOM  
17    HE OR SHE KNOWS OR REASONABLY SHOULD KNOW TO BE A JUDGE OR DISTRICT  
18    ATTORNEY, HE OR SHE CAUSES SUCH INJURY BY MEANS OF A DEADLY WEAPON OR  
19    DANGEROUS INSTRUMENT. FOR THE PURPOSES OF THIS SECTION "DISTRICT ATTOR-  
20    NEY" SHALL INCLUDE ALL PERSONS APPOINTED BY A DISTRICT ATTORNEY TO SERVE  
21    AS ASSISTANT DISTRICT ATTORNEY AND THOSE PERSONS SERVING AS A SPECIAL  
22    PROSECUTOR WHEN SERVING IN SUCH CAPACITY.

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

LBD01905-02-1

1 AGGRAVATED ASSAULT ON A JUDGE OR DISTRICT ATTORNEY IS A CLASS B FELO-  
2 NY.

3 S 3. The penal law is amended by adding a new section 120.73 to read  
4 as follows:

5 S 120.73 MENACING A JUDGE OR DISTRICT ATTORNEY.

6 A PERSON IS GUILTY OF MENACING A JUDGE OR DISTRICT ATTORNEY WHEN HE OR  
7 SHE INTENTIONALLY PLACES OR ATTEMPTS TO PLACE A JUDGE OR DISTRICT ATTOR-  
8 NEY IN REASONABLE FEAR OF PHYSICAL INJURY, SERIOUS PHYSICAL INJURY OR  
9 DEATH BY DISPLAYING A DEADLY WEAPON, KNIFE, PISTOL, REVOLVER, RIFLE,  
10 SHOTGUN, MACHINE GUN OR OTHER FIREARM, WHETHER OPERABLE OR NOT, WHERE  
11 THE DEFENDANT KNEW OR REASONABLY SHOULD HAVE KNOWN THAT SUCH VICTIM WAS  
12 A JUDGE OR DISTRICT ATTORNEY. FOR THE PURPOSES OF THIS SECTION  
13 "DISTRICT ATTORNEY" SHALL INCLUDE ALL PERSONS APPOINTED BY A DISTRICT  
14 ATTORNEY TO SERVE AS ASSISTANT DISTRICT ATTORNEY AND THOSE PERSONS SERV-  
15 ING AS A SPECIAL PROSECUTOR WHEN SERVING IN SUCH CAPACITY.

16 MENACING A JUDGE OR DISTRICT ATTORNEY IS A CLASS D FELONY.

17 S 4. This act shall take effect immediately.