

409--D

2011-2012 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 5, 2011

Introduced by M. of A. GUNTHER -- Multi-Sponsored by -- M. of A. McKEV-ITT -- read once and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the penal law, in relation to establishing the crime of assault on a judge

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 120.09 to
2 read as follows:
3 S 120.09 ASSAULT ON A JUDGE.
4 A PERSON IS GUILTY OF ASSAULT ON A JUDGE WHEN, WITH INTENT TO CAUSE
5 SERIOUS PHYSICAL INJURY AND PREVENT A JUDGE FROM PERFORMING OFFICIAL
6 JUDICIAL DUTIES, HE OR SHE CAUSES SERIOUS PHYSICAL INJURY TO SUCH JUDGE.
7 FOR THE PURPOSES OF THIS SECTION, THE TERM JUDGE SHALL MEAN A JUDGE OF A
8 COURT OF RECORD OR A JUSTICE COURT.
9 ASSAULT ON A JUDGE IS A CLASS C FELONY.
10 S 2. Paragraph (b) of subdivision 1 of section 70.02 of the penal law,
11 as amended by chapter 405 of the laws of 2010, is amended to read as
12 follows:
13 (b) Class C violent felony offenses: an attempt to commit any of the
14 class B felonies set forth in paragraph (a) of this subdivision; aggra-
15 vated criminally negligent homicide as defined in section 125.11, aggra-
16 vated manslaughter in the second degree as defined in section 125.21,
17 aggravated sexual abuse in the second degree as defined in section

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

LBD01905-07-1

1 130.67, assault on a peace officer, police officer, fireman or emergency
2 medical services professional as defined in section 120.08, ASSAULT ON A
3 JUDGE AS DEFINED IN SECTION 120.09, gang assault in the second degree as
4 defined in section 120.06, strangulation in the first degree as defined
5 in section 121.13, burglary in the second degree as defined in section
6 140.25, robbery in the second degree as defined in section 160.10, crim-
7 inal possession of a weapon in the second degree as defined in section
8 265.03, criminal use of a firearm in the second degree as defined in
9 section 265.08, criminal sale of a firearm in the second degree as
10 defined in section 265.12, criminal sale of a firearm with the aid of a
11 minor as defined in section 265.14, soliciting or providing support for
12 an act of terrorism in the first degree as defined in section 490.15,
13 hindering prosecution of terrorism in the second degree as defined in
14 section 490.30, and criminal possession of a chemical weapon or biolog-
15 ical weapon in the third degree as defined in section 490.37.
16 S 3. This act shall take effect on the one hundred twentieth day
17 after it shall have become a law.