

4391--A

Cal. No. 429

2011-2012 Regular Sessions

I N S E N A T E

April 4, 2011

Introduced by Sens. FLANAGAN, KENNEDY -- read twice and ordered printed, and when printed to be committed to the Committee on Codes -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the penal law, in relation to changing the age of the victim intended for a specific crime of assault

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

1 Section 1. Section 120.12 of the penal law, as added by chapter 477 of
2 the laws of 1990, is amended to read as follows:
3 S 120.12 Aggravated assault upon a person less than [eleven] FOURTEEN
4 years old.
5 A person is guilty of aggravated assault upon a person less than
6 [eleven] FOURTEEN years old when being eighteen years old or more the
7 defendant commits the crime of assault in the third degree as defined in
8 section 120.00 of this article upon a person less than [eleven] FOURTEEN
9 years old and has been previously convicted of [such crime] EITHER
10 ASSAULT IN THE THIRD DEGREE AS DEFINED IN SECTION 120.00 OF THIS ARTI-
11 CLE, ASSAULT IN THE SECOND DEGREE AS DEFINED IN SECTION 120.05 OF THIS
12 ARTICLE, OR ASSAULT IN THE FIRST DEGREE AS DEFINED IN SECTION 120.10 OF
13 THIS ARTICLE AND SUCH PRIOR CRIME WAS COMMITTED upon a person less than
14 [eleven] FOURTEEN years old within the preceding [three] TEN years.
15 Aggravated assault upon a person less than [eleven] FOURTEEN years old
16 is a class E felony.
17 S 2. This act shall take effect on the first of November next succeed-
18 ing 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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