

6254

I N   S E N A T E

January 9, 2014

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Introduced by Sen. CARLUCCI -- 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 establishing the crimes of reckless endangerment of a peace officer, police officer, firefighter or emergency medical services professional in the first and second degrees

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 120.26 to  
2     read as follows:

3     S 120.26 RECKLESS ENDANGERMENT OF A PEACE OFFICER, POLICE OFFICER, FIRE-  
4             FIGHTER OR EMERGENCY MEDICAL SERVICES PROFESSIONAL IN THE  
5             SECOND DEGREE.

6     A PERSON IS GUILTY OF RECKLESS ENDANGERMENT OF A PEACE OFFICER, POLICE  
7     OFFICER, FIREFIGHTER OR EMERGENCY MEDICAL SERVICES PROFESSIONAL IN THE  
8     SECOND DEGREE WHEN, KNOWING THAT A BUILDING PERMIT IS REQUIRED AND WITH-  
9     OUT OBTAINING SUCH PERMIT, HE OR SHE ALTERS, CONVERTS, ENCLOSURES, SUBDI-  
10    VIDES OR PARTITIONS ANY BUILDING OR STRUCTURE IN VIOLATION OF THE NEW  
11    YORK STATE UNIFORM FIRE PREVENTION AND BUILDING CODE OR ANY OTHER  
12    PROVISION OF GENERAL, SPECIAL OR LOCAL LAW, ORDINANCE, ADMINISTRATIVE  
13    CODE, RULE OR REGULATION ADDRESSING STANDARDS FOR BUILDING CONSTRUCTION  
14    AND FIRE PREVENTION AND SUCH CONDUCT CREATES A SUBSTANTIAL RISK OF SERI-  
15    OUS PHYSICAL INJURY TO A PEACE OFFICER, POLICE OFFICER, FIREFIGHTER OR  
16    EMERGENCY MEDICAL SERVICES PROFESSIONAL.

17    RECKLESS ENDANGERMENT OF A PEACE OFFICER, POLICE OFFICER, FIREFIGHTER  
18    OR EMERGENCY MEDICAL SERVICES PROFESSIONAL IN THE SECOND DEGREE IS A  
19    CLASS E FELONY.

20    S 2. The penal law is amended by adding a new section 120.27 to read  
21    as follows:

22    S 120.27 RECKLESS ENDANGERMENT OF A PEACE OFFICER, POLICE OFFICER, FIRE-  
23             FIGHTER OR EMERGENCY MEDICAL SERVICES PROFESSIONAL IN THE  
24             FIRST DEGREE.

25    A PERSON IS GUILTY OF RECKLESS ENDANGERMENT OF A PEACE OFFICER, POLICE  
26    OFFICER, FIREFIGHTER OR EMERGENCY MEDICAL SERVICES PROFESSIONAL IN THE

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

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1 FIRST DEGREE WHEN HE OR SHE COMMITS THE CRIME OF RECKLESS ENDANGERMENT  
2 OF A PEACE OFFICER, POLICE OFFICER, FIREFIGHTER OR EMERGENCY MEDICAL  
3 SERVICES PROFESSIONAL IN THE SECOND DEGREE AND:  
4 1. SUCH CONDUCT CREATES A GRAVE RISK OF DEATH TO A PEACE OFFICER,  
5 POLICE OFFICER, FIREFIGHTER OR EMERGENCY MEDICAL SERVICES PROFESSIONAL;  
6 OR  
7 2. HAS PREVIOUSLY BEEN CONVICTED WITHIN THE LAST TEN YEARS OF RECKLESS  
8 ENDANGERMENT OF A PEACE OFFICER, POLICE OFFICER, FIREFIGHTER OR EMERGEN-  
9 CY MEDICAL SERVICES PROFESSIONAL IN THE FIRST OR SECOND DEGREE.  
10 RECKLESS ENDANGERMENT OF A PEACE OFFICER, POLICE OFFICER, FIREFIGHTER  
11 OR EMERGENCY MEDICAL SERVICES PROFESSIONAL IN THE FIRST DEGREE IS A  
12 CLASS D FELONY.  
13 S 3. This act shall take effect on the first of November next succeed-  
14 ing the date on which it shall have become a law.