

6254--A

I N S E N A T E

January 9, 2014

Introduced by Sens. CARLUCCI, BALL -- read twice and ordered printed, and when printed to be committed 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 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 DURING SUCH FIRE OR OTHER EMERGENCY EVACUATION
15 SUCH CONDUCT CREATES A SUBSTANTIAL RISK OF SERIOUS PHYSICAL INJURY TO A
16 PEACE OFFICER, POLICE OFFICER, FIREFIGHTER OR EMERGENCY MEDICAL SERVICES
17 PROFESSIONAL.
18 RECKLESS ENDANGERMENT OF A PEACE OFFICER, POLICE OFFICER, FIREFIGHTER
19 OR EMERGENCY MEDICAL SERVICES PROFESSIONAL IN THE SECOND DEGREE IS A
20 CLASS E FELONY.
21 S 2. The penal law is amended by adding a new section 120.27 to read
22 as follows:

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

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1 S 120.27 RECKLESS ENDANGERMENT OF A PEACE OFFICER, POLICE OFFICER, FIRE-
2 FIGHTER OR EMERGENCY MEDICAL SERVICES PROFESSIONAL IN THE
3 FIRST DEGREE.

4 A PERSON IS GUILTY OF RECKLESS ENDANGERMENT OF A PEACE OFFICER, POLICE
5 OFFICER, FIREFIGHTER OR EMERGENCY MEDICAL SERVICES PROFESSIONAL IN THE
6 FIRST DEGREE WHEN HE OR SHE COMMITS THE CRIME OF RECKLESS ENDANGERMENT
7 OF A PEACE OFFICER, POLICE OFFICER, FIREFIGHTER OR EMERGENCY MEDICAL
8 SERVICES PROFESSIONAL IN THE SECOND DEGREE AND:

9 1. DURING SUCH FIRE OR OTHER EMERGENCY EVACUATION SUCH CONDUCT CREATES
10 A GRAVE RISK OF DEATH TO A PEACE OFFICER, POLICE OFFICER, FIREFIGHTER OR
11 EMERGENCY MEDICAL SERVICES PROFESSIONAL; OR

12 2. HAS PREVIOUSLY BEEN CONVICTED WITHIN THE LAST TEN YEARS OF RECKLESS
13 ENDANGERMENT OF A PEACE OFFICER, POLICE OFFICER, FIREFIGHTER OR EMERGEN-
14 CY MEDICAL SERVICES PROFESSIONAL IN THE FIRST OR SECOND DEGREE.

15 RECKLESS ENDANGERMENT OF A PEACE OFFICER, POLICE OFFICER, FIREFIGHTER
16 OR EMERGENCY MEDICAL SERVICES PROFESSIONAL IN THE FIRST DEGREE IS A
17 CLASS D FELONY.

18 S 3. This act shall take effect on the first of November next succeed-
19 ing the date on which it shall have become a law.