S T A T E O F N E W Y O R K

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I N A S S E M B L Y

April 5, 2016

Introduced by M. of A. DenDEKKER -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to inciting violence against an active duty member of the military or the reserves

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

Section 1. The penal law is amended by adding a new section 240.12 to read as follows:

S 240.12 INCITING VIOLENCE AGAINST AN ACTIVE DUTY MEMBER OF THE MILITARY OR THE RESERVES.

A PERSON IS GUILTY OF INCITING VIOLENCE AGAINST AN ACTIVE DUTY MEMBER OF THE MILITARY OR THE RESERVES WHEN, WITH THE INTENTION OF INCITING OR PRODUCING IMMINENT VIOLENCE AGAINST AN ACTIVE DUTY MEMBER OF THE NEW YORK GUARD, NEW YORK NAVAL MILITIA, THE UNITED STATES ARMY, NAVY, AIR FORCE, MARINES, COAST GUARD, ARMY NATIONAL GUARD, AIR NATIONAL GUARD AND/OR THE RESERVES THEREOF, HE OR SHE ADVOCATES VIOLENCE AGAINST ONE OR MORE SUCH PERSONS THAT IS LIKELY TO INCITE OR PRODUCE SUCH VIOLENCE.

INCITING VIOLENCE AGAINST AN ACTIVE DUTY MEMBER OF THE MILITARY OR THE RESERVES IS A CLASS D FELONY.

S 2. This act shall take effect on the ninetieth day after 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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