

STATE OF NEW YORK

6144--A

2019-2020 Regular Sessions

IN ASSEMBLY

February 28, 2019

Introduced by M. of A. MOSLEY -- read once and referred 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 crime of strangulation in the first degree; disregard of banned employment procedures

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Short title. This act shall be known and may be cited as
2 the "Eric Garner anti-chokehold act".

3 § 2. Section 121.11 of the penal law, as added by chapter 405 of the
4 laws of 2010, is amended to read as follows:

5 § 121.11 Criminal obstruction of breathing or blood circulation.

6 A person is guilty of criminal obstruction of breathing or blood
7 circulation when, with intent to impede the normal breathing or circu-
8 lation of the blood of another person, he or she:

9 a. applies pressure on the throat or neck of such person; or

10 b. blocks the nose or mouth of such person; or

11 c. uses any procedure known as a chokehold.

12 Criminal obstruction of breathing or blood circulation is a class A
13 misdemeanor.

14 § 3. The penal law is amended by adding a new section 121.13-a to read
15 as follows:

16 § 121.13-a Strangulation in the first degree; disregard of banned
17 employment procedures.

18 A person is guilty of strangulation in the first degree; disregard of
19 banned employment procedures when he or she disregards any procedures
20 banned by his or her employment and commits the crime of criminal
21 obstruction of breathing or blood circulation, as defined in section
22 121.11 of this article, and thereby causes serious physical injury or
23 death to another person.

24 Strangulation in the first degree; disregard of banned employment
25 procedures is a class B felony.

26 § 4. This act shall take effect immediately.

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

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