

STATE OF NEW YORK

1738

2025-2026 Regular Sessions

IN SENATE

January 13, 2025

Introduced by Sen. FAHY -- 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 categorizing the assault of a code enforcement official or other individual responsible for building inspection as a class D felony

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

1 Section 1. Subdivision 14 of section 120.05 of the penal law, as added
2 by chapter 268 of the laws of 2016, is amended and a new subdivision 15
3 is added to read as follows:

4 14. With intent to prevent or obstruct a process server, as defined in
5 section eighty-nine-t of the general business law, from performing a
6 lawful duty pursuant to article three of the civil practice law and
7 rules, or intentionally, as retaliation against such a process server
8 for the performance of the process server's duties pursuant to such
9 article, including by means of releasing or failing to control an animal
10 evincing the actor's intent that the animal prevent or obstruct the
11 lawful duty of the process server or as retaliation against the process
12 server, [~~he or she~~] such actor causes physical injury to such process
13 server[~~-~~]; or

14 15. With intent to cause physical injury, such person causes such
15 physical injury to a code enforcement official certified pursuant to
16 section three hundred seventy-six-a of the executive law, or any other
17 individual whose duties include the inspection of buildings or property
18 for compliance with the New York state uniform fire prevention and
19 building code, the residential code of New York state, the New York
20 property maintenance code, the multiple residence law, and/or any other
21 state or local codes, laws, rules and/or regulations relating to build-
22 ing and property safety, while such code enforcement official or other
23 individual is performing such code enforcement official's or other indi-
24 vidual's lawful duties under such position.

25 § 2. This act shall take effect on the first of November next succeed-
26 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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