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

11703

I N A S S E M B L Y

September 22, 2010

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Ortiz) -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to creating the offense of failure to administer cardiopulmonary resuscitation; and to amend the general municipal law, in relation to requiring police officers to be retrained annually in cardiopulmonary resuscitation

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

Section 1. Short title. This act shall be known and may be cited as "Briana's Law".

S 2. Title H of part 3 of the penal law is amended by adding a new article 137 to read as follows:

ARTICLE 137

FAILURE TO ADMINISTER CARDIOPULMONARY RESUSCITATION

SECTION 137.00 FAILURE TO ADMINISTER CARDIOPULMONARY RESUSCITATION IN THE SECOND DEGREE.

137.05 FAILURE TO ADMINISTER CARDIOPULMONARY RESUSCITATION IN THE FIRST DEGREE.

S 137.00 FAILURE TO ADMINISTER CARDIOPULMONARY RESUSCITATION IN THE SECOND DEGREE.

A PERSON IS GUILTY OF FAILURE TO ADMINISTER CARDIOPULMONARY RESUSCITATION IN THE SECOND DEGREE WHEN HE OR SHE, ACTING IN HIS OR HER CAPACITY AS A PEACE OFFICER, AS SUCH TERM IS DEFINED IN SECTION 2.10 OF THE CRIMINAL PROCEDURE LAW, REFUSES TO ADMINISTER CARDIOPULMONARY RESUSCITATION, AS DEFINED BY SUBDIVISION SIX OF SECTION SIX HUNDRED TWENTY-ONE OF THE GENERAL BUSINESS LAW, TO SOMEONE IN NEED OF SUCH CARDIOPULMONARY RESUSCITATION.

FAILURE TO ADMINISTER CARDIOPULMONARY RESUSCITATION IN THE SECOND DEGREE IS A CLASS A MISDEMEANOR.

S 137.05 FAILURE TO ADMINISTER CARDIOPULMONARY RESUSCITATION IN THE FIRST DEGREE.

A PERSON IS GUILTY OF FAILURE TO ADMINISTER CARDIOPULMONARY RESUSCITATION IN THE SECOND DEGREE WHEN HE OR SHE, ACTING IN HIS OR HER CAPACITY AS A PEACE OFFICER, AS SUCH TERM IS DEFINED IN SECTION 2.10 OF THE

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

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CRIMINAL PROCEDURE LAW, REFUSES TO ADMINISTER CARDIOPULMONARY RESUSCITATION, AS DEFINED BY SUBDIVISION SIX OF SECTION SIX HUNDRED TWENTY-ONE OF THE GENERAL BUSINESS LAW, TO SOMEONE IN NEED OF SUCH CARDIOPULMONARY RESUSCITATION AND THE PERSON IN NEED OF SUCH CARDIOPULMONARY RESUSCITATION BECOMES PERMANENTLY DISABLED OR DIES.

FAILURE TO ADMINISTER CARDIOPULMONARY RESUSCITATION IN THE FIRST DEGREE IN A CLASS E FELONY.

S 3. The general municipal law is amended by adding a new section 208-h to read as follows:

S 208-H. ANNUAL POLICE OFFICER CARDIOPULMONARY RESUSCITATION RETRAINING. EVERY POLICE OFFICER SHALL BE ANNUALLY:

1. RETRAINED IN CARDIOPULMONARY RESUSCITATION AS DEFINED BY SUBDIVISION SIX OF SECTION SIX HUNDRED TWENTY-ONE OF THE GENERAL BUSINESS LAW; AND

2. REQUIRED TO DEMONSTRATE THE SATISFACTORY COMPLETION OF TRAINING IN CARDIOPULMONARY RESUSCITATION.

S 4. This act shall take effect on the sixtieth day after it shall have become a law.