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

2152

2009-2010 Regular Sessions

I N A S S E M B L Y

January 15, 2009

Introduced by M. of A. ENGLEBRIGHT, EDDINGTON, SWEENEY, ORTIZ -- Multi-Sponsored by -- M. of A. CANESTRARI, COLTON, CYMBROWITZ, GALEF, JOHN, KOON, MAYERSOHN, SEMINERIO -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to resisting arrest

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

Section 1. Section 205.30 of the penal law, as amended by chapter 843 of the laws of 1980, is amended to read as follows:

S 205.30 Resisting arrest IN THE SECOND DEGREE.

A person is guilty of resisting arrest IN THE SECOND DEGREE when he OR SHE intentionally prevents or attempts to prevent a police officer or peace officer from effecting an authorized arrest of himself, HERSELF or another person.

Resisting arrest IN THE SECOND DEGREE is a class A misdemeanor.

S 2. The penal law is amended by adding a new section 205.35 to read as follows:

S 205.35 RESISTING ARREST IN THE FIRST DEGREE.

A PERSON IS GUILTY OF RESISTING ARREST IN THE FIRST DEGREE WHEN HE OR SHE COMMITS THE CRIME OF RESISTING ARREST IN THE SECOND DEGREE BY USING PHYSICAL FORCE AGAINST A POLICE OFFICER OR PEACE OFFICER MAKING OR AIDING IN AN AUTHORIZED ARREST.

RESISTING ARREST IN THE FIRST DEGREE IS A CLASS E FELONY.

S 3. This act shall take effect on the first of November next succeeding 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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