

1462

2009-2010 Regular Sessions

I N S E N A T E

February 2, 2009

Introduced by Sen. ROBACH -- 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 assault upon a police or peace officer

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

1 Section 1. Section 120.00 of the penal law is amended to read as
2 follows:
3 S 120.00 Assault in the third degree.
4 A person is guilty of assault in the third degree when:
5 1. With intent to cause physical injury to another person, he OR SHE
6 causes such injury to such person or to a third person; or
7 2. He OR SHE recklessly causes physical injury to another person; or
8 3. With criminal negligence, he OR SHE causes physical injury to
9 another person by means of a deadly weapon or a dangerous instrument; OR
10 4. HE OR SHE STRIKES A PERSON WHOM HE OR SHE KNOWS OR REASONABLY
11 SHOULD KNOW TO BE A POLICE OFFICER OR A PEACE OFFICER WHILE THE POLICE
12 OFFICER OR PEACE OFFICER IS ENGAGED IN THE COURSE OF PERFORMING HIS OR
13 HER OFFICIAL DUTIES.
14 Assault in the third degree is a class A misdemeanor.
15 S 2. This act shall take effect on the first of November next succeeding
16 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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