

2177

2009-2010 Regular Sessions

I N S E N A T E

February 13, 2009

Introduced by Sen. DIAZ -- 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 use of physical force by a
parent, guardian, teacher or other caregiver

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

1 Section 1. Subdivision 1 of section 35.10 of the penal law, as amended
2 by chapter 930 of the laws of 1974, is amended to read as follows:
3 1. A parent, guardian or other person entrusted with the care and
4 supervision of a person under the age of twenty-one or an incompetent
5 person, and a teacher or other person entrusted with the care and super-
6 vision of a person under the age of twenty-one for a special purpose,
7 may use physical force, EXCEPT IF SUCH PHYSICAL FORCE LEADS TO SIGNIF-
8 ICANT PHYSICAL OR EMOTIONAL HARM CONSTITUTING AN OFFENSE UPON SUCH
9 PERSON, but not deadly physical force, upon such person when and to the
10 extent that he reasonably believes it necessary to maintain discipline
11 or to promote the welfare of such person.
12 S 2. This act shall take effect on the first of November next succeed-
13 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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