

4138

2009-2010 Regular Sessions

I N S E N A T E

April 14, 2009

Introduced by Sen. KRUGER -- 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 assaults by gangs

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

1 Section 1. The penal law is amended by adding three new sections
2 120.65, 120.66 and 120.67 to read as follows:
3 S 120.65 GANG ASSAULT IN THE THIRD DEGREE.
4 A PERSON IS GUILTY OF GANG ASSAULT IN THE THIRD DEGREE, WHEN WHILE
5 AIDED BY ONE OR MORE OTHER PERSONS, HE COMMITS ASSAULT IN THE THIRD
6 DEGREE.
7 GANG ASSAULT IN THE THIRD DEGREE IS A CLASS D FELONY.
8 S 120.66 GANG ASSAULT IN THE SECOND DEGREE.
9 A PERSON IS GUILTY OF GANG ASSAULT IN THE SECOND DEGREE, WHEN WHILE
10 AIDED BY ONE OR MORE OTHER PERSONS, HE COMMITS ASSAULT IN THE SECOND
11 DEGREE.
12 GANG ASSAULT IN THE SECOND DEGREE IS A CLASS C FELONY.
13 S 120.67 GANG ASSAULT IN THE FIRST DEGREE.
14 A PERSON IS GUILTY OF GANG ASSAULT IN THE FIRST DEGREE, WHEN WHILE
15 AIDED BY ONE OR MORE OTHER PERSONS, HE COMMITS ASSAULT IN THE FIRST
16 DEGREE.
17 GANG ASSAULT IN THE FIRST DEGREE IS A CLASS B FELONY.
18 S 2. This act shall take effect on the first of November next succeeding
19 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.

LBD11135-01-9