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

4577

2009-2010 Regular Sessions

I N S E N A T E

April 24, 2009

Introduced by Sen. ADAMS -- 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 assaulting a retired peace officer or a retired police officer

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

Section 1. Section 120.05 of the penal law is amended by adding a new subdivision 13 to read as follows:

13. WITH INTENT TO CAUSE PHYSICAL INJURY, HE OR SHE INTENTIONALLY SELECTS A RETIRED PEACE OFFICER OR RETIRED POLICE OFFICER, AS PEACE OFFICER IS DEFINED PURSUANT TO SECTION 2.10 OF THE CRIMINAL PROCEDURE LAW AND AS POLICE OFFICER IS DEFINED PURSUANT TO SUBDIVISION THIRTY-FOUR OF SECTION 1.20 OF THE CRIMINAL PROCEDURE LAW, AGAINST WHOM THE OFFENSE IS COMMITTED OR INTENDED TO BE COMMITTED IN WHOLE OR IN SUBSTANTIAL PART BECAUSE OF A BELIEF OR PERCEPTION REGARDING SUCH RETIRED PEACE OFFICER'S OR RETIRED POLICE OFFICER'S PREVIOUS LAW ENFORCEMENT ROLE WITH SUCH PERSON WHILE ON ACTIVE DUTY.

S 2. Section 120.10 of the penal law is amended by adding a new subdivision 5 to read as follows:

5. WITH INTENT TO CAUSE SERIOUS PHYSICAL INJURY, HE OR SHE INTENTIONALLY SELECTS A RETIRED PEACE OFFICER OR RETIRED POLICE OFFICER, AS PEACE OFFICER IS DEFINED PURSUANT TO SECTION 2.10 OF THE CRIMINAL PROCEDURE LAW AND AS POLICE OFFICER IS DEFINED PURSUANT TO SUBDIVISION THIRTY-FOUR OF SECTION 1.20 OF THE CRIMINAL PROCEDURE LAW, AGAINST WHOM THE OFFENSE IS COMMITTED OR INTENDED TO BE COMMITTED IN WHOLE OR IN SUBSTANTIAL PART BECAUSE OF A BELIEF OR PERCEPTION REGARDING SUCH RETIRED PEACE OFFICER'S OR RETIRED POLICE OFFICER'S PREVIOUS LAW ENFORCEMENT ROLE WITH SUCH PERSON WHILE ON ACTIVE DUTY.

S 3. This act shall take effect on the ninetieth day after 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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