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

973

2009-2010 Regular Sessions

I N S E N A T E

January 22, 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 adding gang assault to felony assault provisions

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 9-a to read as follows:

9-A. WITH INTENT TO CAUSE PHYSICAL INJURY TO ANOTHER PERSON AND WHEN AIDED BY TWO OR MORE PERSONS ACTUALLY PRESENT, HE OR SHE CAUSES SERIOUS PHYSICAL INJURY TO SUCH PERSON OR TO A THIRD PERSON; OR

S 2. Subdivision 4 of section 120.10 of the penal law, as amended by chapter 791 of the laws of 1967, is amended and a new subdivision 5 is added to read as follows:

4. In the course of and in furtherance of the commission or attempted commission of a felony or of immediate flight therefrom, he OR SHE, or another participant if there be any, causes serious physical injury to a person other than one of the participants[.]; OR

5. WITH INTENT TO CAUSE SERIOUS PHYSICAL INJURY TO ANOTHER PERSON AND WHEN AIDED BY TWO OR MORE OTHER PERSONS ACTUALLY PRESENT, HE OR SHE CAUSES SERIOUS PHYSICAL INJURY TO SUCH PERSON OR TO A THIRD PERSON.

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.

LBD06660-01-9