

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

3094--A

2009-2010 Regular Sessions

I N A S S E M B L Y

January 22, 2009

Introduced by M. of A. BENJAMIN, JOHN, JEFFRIES, ROBINSON, WALKER, ESPAILLAT -- Multi-Sponsored by -- M. of A. CLARK, ERRIGO, HOOPER, WEISENBERG -- read once and referred to the Committee on Governmental Operations -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the penal law, in relation to building code violations that lead to serious physical injury or death

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

1 Section 1. Section 125.10 of the penal law is amended to read as
2 follows:
3 S 125.10 Criminally negligent homicide.
4 A person is guilty of criminally negligent homicide when[,]:
5 1. with criminal negligence, he OR SHE causes the death of another
6 person; OR
7 2. HE OR SHE FAILS TO COMPLY WITH AN ORDER TO REMEDY A VIOLATION OF
8 THE NEW YORK STATE UNIFORM FIRE PREVENTION AND BUILDING CODE, THE NEW
9 YORK CITY CONSTRUCTION CODES, THE NEW YORK CITY FIRE CODE, OR THEIR
10 SUCCESSOR CODES, OR ANY LOCAL LAWS REGARDING THE ENFORCEMENT OF SUCH
11 CODES, WITHIN THE TIME PERIOD FOR CORRECTION STATED IN THE ORDER AND
12 SUCH FAILURE CAUSES THE DEATH OF ANOTHER PERSON.
13 Criminally negligent homicide is a class E felony.
14 S 2. Section 120.20 of the penal law is amended to read as follows:
15 S 120.20 Reckless endangerment in the second degree.
16 A person is guilty of reckless endangerment in the second degree when
17 he OR SHE:
18 1. recklessly engages in conduct which creates a substantial risk of
19 serious physical injury to another person; OR
20 2. FAILS TO COMPLY WITH AN ORDER TO REMEDY A VIOLATION OF THE NEW YORK
21 STATE UNIFORM FIRE PREVENTION AND BUILDING CODE, THE NEW YORK CITY
22 CONSTRUCTION CODES, THE NEW YORK CITY FIRE CODE, OR THEIR SUCCESSOR

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets [] is old law to be omitted.

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1 CODES, OR ANY LOCAL LAWS REGARDING THE ENFORCEMENT OF SUCH CODES, WITHIN
2 THE TIME PERIOD FOR CORRECTION STATED IN THE ORDER AND SUCH FAILURE
3 CAUSES SERIOUS PHYSICAL INJURY TO ANOTHER PERSON.
4 Reckless endangerment in the second degree is a class A misdemeanor.
5 S 3. This act shall take effect on the first of November next succeed-
6 ing the date on which it shall have become a law.