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

4396

2009-2010 Regular Sessions

I N A S S E M B L Y

February 4, 2009

Introduced by M. of A. CANESTRARI -- Multi-Sponsored by -- M. of A. BARRA, KOON, McENENY -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to increasing the penalties for hazing

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

Section 1. Section 120.16 of the penal law, as amended by chapter 86 of the laws of 1988, is amended to read as follows:

S 120.16 Hazing in the first degree.

A person is guilty of hazing in the first degree when, in the course of another person's initiation into or affiliation with any organization, he OR SHE intentionally or recklessly engages in conduct which creates a substantial risk of SERIOUS physical injury OR DEATH to such other person or a third person and thereby causes such SERIOUS injury OR DEATH TO SUCH PERSON OR TO A THIRD PERSON.

Hazing in the first degree is a class [A misdemeanor] D FELONY.

S 2. Section 120.17 of the penal law, as added by chapter 86 of the laws of 1988, is amended to read as follows:

S 120.17 Hazing in the second degree.

A person is guilty of hazing in the second degree when, in the course of another person's initiation or affiliation with any organization, he OR SHE intentionally or recklessly engages in conduct which creates a substantial risk of physical injury to such other person or a third person AND THEREBY CAUSES SUCH INJURY.

Hazing in the second degree is a [violation] CLASS E FELONY.

S 3. The penal law is amended by adding a new section 120.19 to read as follows:

S 120.19 HAZING IN THE THIRD DEGREE.

A PERSON IS GUILTY OF HAZING IN THE THIRD DEGREE WHEN, IN THE COURSE OF ANOTHER PERSON'S INITIATION OR AFFILIATION WITH ANY ORGANIZATION, HE

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

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OR SHE INTENTIONALLY OR RECKLESSLY ENGAGES IN CONDUCT WHICH CREATES A SUBSTANTIAL RISK OF PHYSICAL INJURY TO SUCH OTHER PERSON OR A THIRD PERSON.

HAZING IN THE THIRD DEGREE IS A CLASS A MISDEMEANOR.

S 4. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.