

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

4566

2009-2010 Regular Sessions

I N A S S E M B L Y

February 5, 2009

Introduced by M. of A. MAYERSOHN -- Multi-Sponsored by -- M. of A. DIAZ,
McDONOUGH -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to assaults committed in the
presence of certain children

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

1 Section 1. Section 120.05 of the penal law is amended by adding two
2 new subdivisions 13 and 14 to read as follows:
3 13. THE DEFENDANT COMMITS THE OFFENSE OF ASSAULT IN THE THIRD DEGREE,
4 AS DEFINED IN SECTION 120.00 OF THIS ARTICLE, IN THE PRESENCE OF A CHILD
5 UNDER THE AGE OF EIGHTEEN YEARS WHEN SUCH CHILD IS THE CHILD, STEPCHILD,
6 OR SIBLING OF THE VICTIM OF SUCH OFFENSE, OR RESIDES IN THE SAME HOUSE-
7 HOLD AS THE VICTIM OF SUCH OFFENSE OR THE DEFENDANT.
8 14. THE DEFENDANT COMMITS THE OFFENSE OF ASSAULT IN THE THIRD DEGREE,
9 AS DEFINED IN SECTION 120.00 OF THIS ARTICLE, AND HAS PREVIOUSLY BEEN
10 CONVICTED OF ASSAULTING THE SAME VICTIM.
11 S 2. This act shall take effect on the first of November next succeed-
12 ing 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.

LBD07079-01-9