

S T A T E   O F   N E W   Y O R K

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5840

2009-2010 Regular Sessions

I N   A S S E M B L Y

February 20, 2009

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Introduced by M. of A. PRETLOW, GALEF, TOWNS, CYMBROWITZ, COLTON --  
Multi-Sponsored by -- M. of A. COOK, DelMONTE, ESPAILLAT, GREENE,  
HIKIND, KOON, MAYERSOHN -- read once and referred to the Committee on  
Codes

AN ACT to amend the penal law, in relation to the reckless assault of a  
child resulting in serious physical injury

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

1     Section 1.   Subdivision 10 of section 10.00 of the penal law, as  
2     amended by chapter 791 of the laws of 1967, is amended to read as  
3     follows:  
4     10. "Serious physical injury" means physical injury which creates a  
5     substantial risk of death, or which causes death or serious and  
6     protracted disfigurement, protracted impairment of health or protracted  
7     loss or impairment of the function of any bodily organ, INCLUDING, IN  
8     THE CASE OF A CHILD LESS THAN SEVEN YEARS OLD, SUBDURAL HEMORRHAGE,  
9     INTERCRANIAL HEMORRHAGE OR RETINAL HEMORRHAGES.  
10    S 2. Paragraph (b) of subdivision 10 and subdivisions 11 and 12 of  
11    section 120.05 of the penal law, paragraph (b) of subdivision 10 as  
12    added by chapter 181 of the laws of 2000, subdivision 11 as amended by  
13    chapter 45 of the laws of 2008 and subdivision 12 as added by chapter 68  
14    of the laws of 2008, are amended and a new subdivision 13 is added to  
15    read as follows:  
16    (b) not being a student of such school or public school district,  
17    causes physical injury to another, and such other person is a student of  
18    such school who is attending or present for educational purposes. For  
19    purposes of this subdivision the term "school grounds" shall have the  
20    meaning set forth in subdivision fourteen of section 220.00 of this  
21    chapter[.]; OR  
22    11. With intent to cause physical injury to a train operator, ticket  
23    inspector, conductor, signalperson, bus operator or station agent

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

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1 employed by any transit agency, authority or company, public or private,  
2 whose operation is authorized by New York state or any of its political  
3 subdivisions, a city marshal, a traffic enforcement officer or traffic  
4 enforcement agent, he or she causes physical injury to such train opera-  
5 tor, ticket inspector, conductor, signalperson, bus operator or station  
6 agent, city marshal, traffic enforcement officer or traffic enforcement  
7 agent while such employee is performing an assigned duty on, or directly  
8 related to, the operation of a train or bus, or such city marshal, traf-  
9 fic enforcement officer or traffic enforcement agent is performing an  
10 assigned duty[.]; OR

11 12. With intent to cause physical injury to a person who is sixty-five  
12 years of age or older, he or she causes such injury to such person, and  
13 the actor is more than ten years younger than such person[.]; OR

14 13. BEING EIGHTEEN YEARS OLD OR MORE, HE OR SHE RECKLESSLY CAUSES  
15 SERIOUS PHYSICAL INJURY TO A CHILD LESS THAN SEVEN YEARS OLD.

16 S 3. This act shall take effect on the first of November next succeed-  
17 ing the date on which it shall have become a law.