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

6016

2009-2010 Regular Sessions

I N A S S E M B L Y

February 24, 2009

Introduced by M. of A. GOTTFRIED -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to including leaping from buildings and structures over five stories in height in certain cities within the crime of reckless endangerment

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

Section 1. Section 120.25 of the penal law is amended to read as follows:

S 120.25 Reckless endangerment in the first degree.

A person is guilty of reckless endangerment in the first degree when, under circumstances evincing a depraved indifference to human life, he OR SHE recklessly engages in conduct which creates a grave risk of death to another person, OR IN A CITY WITH A POPULATION OF ONE MILLION OR MORE WHEN SUCH PERSON LEAPS FROM A BUILDING FIVE STORIES OR TALLER OR FROM ANY STRUCTURE IN OR ON THE FIFTH OR ANY GREATER STORY OF SUCH BUILDING, OR FROM ANY BRIDGE OR OTHER STRUCTURE WHOSE HEIGHT IS FIVE STORIES OR GREATER, WITHOUT THE WRITTEN PERMISSION OF THE BUILDING OWNER AND THE MUNICIPALITY. FOR PURPOSES OF THIS SECTION, WRITTEN PERMISSION FROM THE MUNICIPALITY SHALL MEAN AND INCLUDE A RESOLUTION OR LOCAL LAW APPROVED BY THE CITY COUNCIL, OR A PERMIT, LICENSE OR WRITTEN INSTRUMENT VALIDLY ISSUED GRANTING SUCH PERMISSION FROM THE OFFICE OF THE MAYOR OF SUCH MUNICIPALITY.

Reckless endangerment in the first degree is a class D felony.

S 2. This act shall take effect on the thirtieth day after it shall have become a law.

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

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