

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

9196--A

2009-2010 Regular Sessions

I N A S S E M B L Y

October 21, 2009

Introduced by M. of A. GUNTHER -- read once and referred to the Committee on Codes -- recommitted to the Committee on Codes in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the penal law, in relation to establishing the crimes of menacing, assault and aggravated assault on a judge, district attorney or assistant district attorney

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

1 Section 1. The penal law is amended by adding a new section 120.71 to
2 read as follows:
3 S 120.71 ASSAULT ON A JUDGE OR DISTRICT ATTORNEY.
4 A PERSON IS GUILTY OF ASSAULT ON A JUDGE OR DISTRICT ATTORNEY WHEN HE
5 OR SHE CAUSES SERIOUS PHYSICAL INJURY TO A PERSON WHOM HE OR SHE KNOWS
6 OR REASONABLY SHOULD KNOW TO BE A JUDGE, DISTRICT ATTORNEY OR ASSISTANT
7 DISTRICT ATTORNEY.
8 ASSAULT ON A JUDGE OR DISTRICT ATTORNEY IS A CLASS C FELONY.
9 S 2. The penal law is amended by adding a new section 120.72 to read
10 as follows:
11 S 120.72 AGGRAVATED ASSAULT ON A JUDGE OR DISTRICT ATTORNEY.
12 A PERSON IS GUILTY OF AGGRAVATED ASSAULT ON A JUDGE OR DISTRICT ATTOR-
13 NEY WHEN, WITH INTENT TO CAUSE SERIOUS PHYSICAL INJURY TO A PERSON WHOM
14 HE OR SHE KNOWS OR REASONABLY SHOULD KNOW TO BE A JUDGE, DISTRICT ATTOR-
15 NEY OR ASSISTANT DISTRICT ATTORNEY, HE OR SHE CAUSES SUCH INJURY BY
16 MEANS OF A DEADLY WEAPON OR DANGEROUS INSTRUMENT.
17 AGGRAVATED ASSAULT ON A JUDGE OR DISTRICT ATTORNEY IS A CLASS B FELO-
18 NY.
19 S 3. The penal law is amended by adding a new section 120.73 to read
20 as follows:
21 S 120.73 MENACING A JUDGE OR DISTRICT ATTORNEY.

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

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1 A PERSON IS GUILTY OF MENACING A JUDGE OR DISTRICT ATTORNEY WHEN HE OR
2 SHE INTENTIONALLY PLACES OR ATTEMPTS TO PLACE A JUDGE, DISTRICT ATTORNEY
3 OR ASSISTANT DISTRICT ATTORNEY IN REASONABLE FEAR OF PHYSICAL INJURY,
4 SERIOUS PHYSICAL INJURY OR DEATH BY DISPLAYING A DEADLY WEAPON, KNIFE,
5 PISTOL, REVOLVER, RIFLE, SHOTGUN, MACHINE GUN OR OTHER FIREARM, WHETHER
6 OPERABLE OR NOT, WHERE THE DEFENDANT KNEW OR REASONABLY SHOULD HAVE
7 KNOWN THAT SUCH VICTIM WAS A JUDGE, DISTRICT ATTORNEY OR ASSISTANT
8 DISTRICT ATTORNEY.
9 MENACING A JUDGE OR DISTRICT ATTORNEY IS A CLASS D FELONY.
10 S 4. This act shall take effect immediately.