

4577

2009-2010 Regular Sessions

I N S E N A T E

April 24, 2009

Introduced by Sen. ADAMS -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the penal law, in relation to assaulting a retired peace officer or a retired police officer

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

1 Section 1. Section 120.05 of the penal law is amended by adding a new
2 subdivision 13 to read as follows:
3 13. WITH INTENT TO CAUSE PHYSICAL INJURY, HE OR SHE INTENTIONALLY
4 SELECTS A RETIRED PEACE OFFICER OR RETIRED POLICE OFFICER, AS PEACE
5 OFFICER IS DEFINED PURSUANT TO SECTION 2.10 OF THE CRIMINAL PROCEDURE
6 LAW AND AS POLICE OFFICER IS DEFINED PURSUANT TO SUBDIVISION THIRTY-FOUR
7 OF SECTION 1.20 OF THE CRIMINAL PROCEDURE LAW, AGAINST WHOM THE OFFENSE
8 IS COMMITTED OR INTENDED TO BE COMMITTED IN WHOLE OR IN SUBSTANTIAL
9 PART BECAUSE OF A BELIEF OR PERCEPTION REGARDING SUCH RETIRED PEACE
10 OFFICER'S OR RETIRED POLICE OFFICER'S PREVIOUS LAW ENFORCEMENT ROLE
11 WITH SUCH PERSON WHILE ON ACTIVE DUTY.
12 S 2. Section 120.10 of the penal law is amended by adding a new subdi-
13 vision 5 to read as follows:
14 5. WITH INTENT TO CAUSE SERIOUS PHYSICAL INJURY, HE OR SHE INTEN-
15 TIONALLY SELECTS A RETIRED PEACE OFFICER OR RETIRED POLICE OFFICER, AS
16 PEACE OFFICER IS DEFINED PURSUANT TO SECTION 2.10 OF THE CRIMINAL
17 PROCEDURE LAW AND AS POLICE OFFICER IS DEFINED PURSUANT TO SUBDIVISION
18 THIRTY-FOUR OF SECTION 1.20 OF THE CRIMINAL PROCEDURE LAW, AGAINST WHOM
19 THE OFFENSE IS COMMITTED OR INTENDED TO BE COMMITTED IN WHOLE OR IN
20 SUBSTANTIAL PART BECAUSE OF A BELIEF OR PERCEPTION REGARDING SUCH
21 RETIRED PEACE OFFICER'S OR RETIRED POLICE OFFICER'S PREVIOUS LAW
22 ENFORCEMENT ROLE WITH SUCH PERSON WHILE ON ACTIVE DUTY.
23 S 3. This act shall take effect on the ninetieth day after it shall
24 have become a law.

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

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