

6229

2009-2010 Regular Sessions

I N S E N A T E

October 16, 2009

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

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.
22 A PERSON IS GUILTY OF MENACING A JUDGE OR DISTRICT ATTORNEY WHEN HE OR
23 SHE INTENTIONALLY PLACES OR ATTEMPTS TO PLACE A JUDGE, DISTRICT ATTORNEY
24 OR ASSISTANT DISTRICT ATTORNEY IN REASONABLE FEAR OF PHYSICAL INJURY,

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

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1 SERIOUS PHYSICAL INJURY OR DEATH BY DISPLAYING A DEADLY WEAPON, KNIFE,
2 PISTOL, REVOLVER, RIFLE, SHOTGUN, MACHINE GUN OR OTHER FIREARM, WHETHER
3 OPERABLE OR NOT, WHERE THE DEFENDANT KNEW OR REASONABLY SHOULD HAVE
4 KNOWN THAT SUCH VICTIM WAS A JUDGE, DISTRICT ATTORNEY OR ASSISTANT
5 DISTRICT ATTORNEY.
6 MENACING A JUDGE OR DISTRICT ATTORNEY IS A CLASS D FELONY.
7 S 4. This act shall take effect immediately.