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

2698

2011-2012 Regular Sessions

I N A S S E M B L Y

January 20, 2011

Introduced by M. of A. PRETLOW, GALEF, TOWNS, CYMBROWITZ, COLTON -- Multi-Sponsored by -- M. of A. COOK, HIKIND, 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 ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Subdivision 10 of section 10.00 of the penal law, as amended by chapter 791 of the laws of 1967, is amended to read as follows:

10. "Serious physical injury" means physical injury which creates a substantial risk of death, or which causes death or serious and protracted disfigurement, protracted impairment of health or protracted loss or impairment of the function of any bodily organ, INCLUDING, IN THE CASE OF A CHILD LESS THAN SEVEN YEARS OLD, SUBDURAL HEMORRHAGE, INTERCRANIAL HEMORRHAGE OR RETINAL HEMORRHAGES.

S 2. Paragraph (b) of subdivision 10 and subdivisions 11 and 12 of section 120.05 of the penal law, paragraph (b) of subdivision 10 as added by chapter 181 of the laws of 2000, subdivision 11 as separately amended by chapters 318 and 345 of the laws of 2010 and subdivision 12 as added by chapter 68 of the laws of 2008, are amended and a new subdivision 13 is added to read as follows:

(b) not being a student of such school or public school district, causes physical injury to another, and such other person is a student of such school who is attending or present for educational purposes. For purposes of this subdivision the term "school grounds" shall have the meaning set forth in subdivision fourteen of section 220.00 of this [chapter.] PART; OR

11. With intent to cause physical injury to a train operator, ticket inspector, conductor, signalperson, bus operator or station agent employed by any transit agency, authority or company, public or private,

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

LBD03314-01-1

whose operation is authorized by New York state or any of its political subdivisions, a city marshal, a traffic enforcement officer, traffic enforcement agent or sanitation enforcement agent, registered nurse or licensed practical nurse he or she causes physical injury to such train operator, ticket inspector, conductor, signalperson, bus operator or station agent, city marshal, traffic enforcement officer, traffic enforcement agent, registered nurse or licensed practical nurse or sanitation enforcement agent, while such employee is performing an assigned duty on, or directly related to, the operation of a train or bus, or such city marshal, traffic enforcement officer, traffic enforcement agent, registered nurse or licensed practical nurse or sanitation enforcement agent is performing an assigned duty[.]; OR

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

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

S 3. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.