

409

2011-2012 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 5, 2011

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

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

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

LBD01905-01-1

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