

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

409--A

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 -- 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 OR DISTRICT ATTORNEY. FOR THE
7 PURPOSES OF THIS SECTION "DISTRICT ATTORNEY" SHALL INCLUDE ALL PERSONS
8 APPOINTED BY A DISTRICT ATTORNEY TO SERVE AS ASSISTANT DISTRICT ATTORNEY
9 AND THOSE PERSONS SERVING AS A SPECIAL PROSECUTOR WHEN SERVING IN SUCH
10 CAPACITY.
11 ASSAULT ON A JUDGE OR DISTRICT ATTORNEY IS A CLASS C FELONY.
12 S 2. The penal law is amended by adding a new section 120.72 to read
13 as follows:
14 S 120.72 AGGRAVATED ASSAULT ON A JUDGE OR DISTRICT ATTORNEY.
15 A PERSON IS GUILTY OF AGGRAVATED ASSAULT ON A JUDGE OR DISTRICT ATTOR-
16 NEY WHEN, WITH INTENT TO CAUSE SERIOUS PHYSICAL INJURY TO A PERSON WHOM
17 HE OR SHE KNOWS OR REASONABLY SHOULD KNOW TO BE A JUDGE OR DISTRICT
18 ATTORNEY, HE OR SHE CAUSES SUCH INJURY BY MEANS OF A DEADLY WEAPON OR
19 DANGEROUS INSTRUMENT. FOR THE PURPOSES OF THIS SECTION "DISTRICT ATTOR-
20 NEY" SHALL INCLUDE ALL PERSONS APPOINTED BY A DISTRICT ATTORNEY TO SERVE
21 AS ASSISTANT DISTRICT ATTORNEY AND THOSE PERSONS SERVING AS A SPECIAL
22 PROSECUTOR WHEN SERVING IN SUCH CAPACITY.

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

LBD01905-02-1

1 AGGRAVATED ASSAULT ON A JUDGE OR DISTRICT ATTORNEY IS A CLASS B FELO-
2 NY.

3 S 3. The penal law is amended by adding a new section 120.73 to read
4 as follows:

5 S 120.73 MENACING A JUDGE OR DISTRICT ATTORNEY.

6 A PERSON IS GUILTY OF MENACING A JUDGE OR DISTRICT ATTORNEY WHEN HE OR
7 SHE INTENTIONALLY PLACES OR ATTEMPTS TO PLACE A JUDGE OR DISTRICT ATTOR-
8 NEY IN REASONABLE FEAR OF PHYSICAL INJURY, SERIOUS PHYSICAL INJURY OR
9 DEATH BY DISPLAYING A DEADLY WEAPON, KNIFE, PISTOL, REVOLVER, RIFLE,
10 SHOTGUN, MACHINE GUN OR OTHER FIREARM, WHETHER OPERABLE OR NOT, WHERE
11 THE DEFENDANT KNEW OR REASONABLY SHOULD HAVE KNOWN THAT SUCH VICTIM WAS
12 A JUDGE OR DISTRICT ATTORNEY. FOR THE PURPOSES OF THIS SECTION
13 "DISTRICT ATTORNEY" SHALL INCLUDE ALL PERSONS APPOINTED BY A DISTRICT
14 ATTORNEY TO SERVE AS ASSISTANT DISTRICT ATTORNEY AND THOSE PERSONS SERV-
15 ING AS A SPECIAL PROSECUTOR WHEN SERVING IN SUCH CAPACITY.

16 MENACING A JUDGE OR DISTRICT ATTORNEY IS A CLASS D FELONY.

17 S 4. This act shall take effect immediately.