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

6985

2011-2012 Regular Sessions

I N A S S E M B L Y

April 7, 2011

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

AN ACT to amend the penal law, in relation to establishing the crime of assault on a retail or service shop owner, retail or service shop employee or delivery service worker

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

Section 1. The penal law is amended by adding a new section 120.09 to read as follows:

S 120.09 ASSAULT ON A RETAIL OR SERVICE SHOP OWNER, RETAIL OR SERVICE SHOP EMPLOYEE OR DELIVERY SERVICE WORKER.

A PERSON IS GUILTY OF ASSAULT ON A RETAIL OR SERVICE SHOP OWNER, RETAIL OR SERVICE SHOP EMPLOYEE OR DELIVERY SERVICE WORKER WHEN:

1. WITH INTENT TO CAUSE SERIOUS PHYSICAL INJURY TO ANOTHER PERSON, HE CAUSES INJURY TO SUCH SHOP OWNER, SHOP EMPLOYEE OR DELIVERY SERVICE WORKER; OR

2. WITH INTENT TO CAUSE PHYSICAL INJURY TO ANOTHER PERSON, HE CAUSES INJURY TO SUCH SHOP OWNER, SHOP EMPLOYEE OR DELIVERY SERVICE WORKER BY MEANS OF A DEADLY WEAPON OR A DANGEROUS INSTRUMENT; OR

3. IN THE COURSE OF AND IN FURTHERANCE OF THE COMMISSION OR ATTEMPTED COMMISSION OF A FELONY OR OF IMMEDIATE FLIGHT THEREFROM, HE, OR ANOTHER PARTICIPANT IF THERE BE ANY, CAUSES SERIOUS PHYSICAL INJURY TO ANY RETAIL OR SERVICE SHOP OWNER, RETAIL OR SERVICE SHOP EMPLOYEE OR DELIVERY SERVICE WORKER OTHER THAN ONE OF THE PARTICIPANTS.

ASSAULT ON A RETAIL OR SERVICE SHOP OWNER, RETAIL OR SERVICE SHOP EMPLOYEE OR DELIVERY SERVICE WORKER IS A CLASS C FELONY.

S 2. This act shall take effect on the one hundred eightieth day after it shall have become a law.

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

LBD10671-01-1