

S. 4764

A. 7242

2011-2012 Regular Sessions

S E N A T E - A S S E M B L Y

April 20, 2011

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IN SENATE -- Introduced by Sen. BALL -- read twice and ordered printed,  
and when printed to be committed to the Committee on Codes

IN ASSEMBLY -- Introduced by M. of A. TEDISCO, RAIA, McLAUGHLIN -- read  
once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to establishing the bystander  
protection act

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

1     Section 1. Short title. This act shall be known and may be cited as  
2     the "bystander protection act".  
3     S 2. The penal law is amended by adding a new section 55.15 to read as  
4     follows:  
5     S 55.15 BYSTANDER PROTECTION.  
6     1. ANY OFFENSE WHICH WAS COMMITTED AGAINST A PERSON DURING THE COMMIS-  
7     SION OF ANOTHER OFFENSE AS SET FORTH IN ARTICLE ONE HUNDRED TWENTY, ONE  
8     HUNDRED TWENTY-ONE, ONE HUNDRED TWENTY-FIVE, ONE HUNDRED THIRTY-FIVE,  
9     TWO HUNDRED FORTY OR FOUR HUNDRED NINETY OF THIS CHAPTER, WHERE A PUBLIC  
10    OFFICIAL IS THE INTENDED TARGET OF SUCH OFFENSE, SHALL BE PUNISHABLE BY  
11    THE NEXT HIGHEST CLASSIFICATION OF OFFENSE FOR WHICH THE PERSON COMMIT-  
12    TING SUCH OFFENSE WAS CONVICTED.  
13    2. AS USED IN THIS SECTION, THE TERM "PUBLIC OFFICIAL" SHALL MEAN:  
14    (I) THE GOVERNOR, LIEUTENANT GOVERNOR, COMPTROLLER OR ATTORNEY GENER-  
15    AL;  
16    (II) MEMBERS OF THE STATE LEGISLATURE;  
17    (III) STATE OFFICERS AND EMPLOYEES INCLUDING:  
18    (A) HEADS OF STATE DEPARTMENTS AND THEIR DEPUTIES AND ASSISTANTS OTHER  
19    THAN MEMBERS OF THE BOARD OF REGENTS OF THE UNIVERSITY OF THE STATE OF  
20    NEW YORK WHO RECEIVE NO COMPENSATION OR ARE COMPENSATED ON A PER DIEM  
21    BASIS,

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

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1 (B) OFFICERS OF STATE DEPARTMENTS, BOARDS, BUREAUS, DIVISIONS, COMMIS-  
2 SIONS, COUNCILS OR OTHER STATE AGENCIES,

3 (C) MEMBERS OR DIRECTORS OF PUBLIC AUTHORITIES, OTHER THAN MULTI-STATE  
4 AUTHORITIES, PUBLIC BENEFIT CORPORATIONS AND COMMISSIONS AT LEAST ONE OF  
5 WHOSE MEMBERS IS APPOINTED BY THE GOVERNOR, AND EMPLOYEES OF SUCH  
6 AUTHORITIES, CORPORATIONS AND COMMISSIONS;

7 (IV) UNITED STATES SENATORS AND REPRESENTATIVES;

8 (V) MUNICIPAL OFFICERS AND EMPLOYEES INCLUDING AN OFFICER OR EMPLOYEE  
9 OF A MUNICIPALITY, WHETHER PAID OR UNPAID, INCLUDING MEMBERS OF ANY  
10 ADMINISTRATIVE BOARD, COMMISSION OR OTHER AGENCY THEREOF AND IN THE CASE  
11 OF A COUNTY, SHALL BE DEEMED TO ALSO INCLUDE ANY OFFICER OR EMPLOYEE  
12 PAID FROM COUNTY FUNDS. NO PERSON SHALL BE DEEMED TO BE A MUNICIPAL  
13 OFFICER OR EMPLOYEE SOLELY BY REASON OF BEING A VOLUNTEER FIREMAN OR  
14 CIVIL DEFENSE VOLUNTEER, EXCEPT A FIRE CHIEF OR ASSISTANT FIRE CHIEF;  
15 AND

16 (VI) ANY STATE-PAID FULL-TIME JUDGE OR JUSTICE OF THE UNIFIED COURT  
17 SYSTEM.

18 S 3. This act shall take effect on the first of November next succeed-  
19 ing the date on which it shall have become a law.