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

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

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 ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Short title. This act shall be known and may be cited as the "bystander protection act".

S 2. The penal law is amended by adding a new section 55.15 to read as follows:

S 55.15 BYSTANDER PROTECTION.

1. ANY OFFENSE WHICH WAS COMMITTED AGAINST A PERSON DURING THE COMMISSION OF ANOTHER OFFENSE AS SET FORTH IN ARTICLE ONE HUNDRED TWENTY, ONE HUNDRED TWENTY-ONE, ONE HUNDRED TWENTY-FIVE, ONE HUNDRED THIRTY-FIVE, TWO HUNDRED FORTY OR FOUR HUNDRED NINETY OF THIS CHAPTER, WHERE A PUBLIC OFFICIAL IS THE INTENDED TARGET OF SUCH OFFENSE, SHALL BE PUNISHABLE BY THE NEXT HIGHEST CLASSIFICATION OF OFFENSE FOR WHICH THE PERSON COMMITTING SUCH OFFENSE WAS CONVICTED.

2. AS USED IN THIS SECTION, THE TERM "PUBLIC OFFICIAL" SHALL MEAN:

(I) THE GOVERNOR, LIEUTENANT GOVERNOR, COMPTROLLER OR ATTORNEY GENERAL;

(II) MEMBERS OF THE STATE LEGISLATURE;

(III) STATE OFFICERS AND EMPLOYEES INCLUDING:

(A) HEADS OF STATE DEPARTMENTS AND THEIR DEPUTIES AND ASSISTANTS OTHER THAN MEMBERS OF THE BOARD OF REGENTS OF THE UNIVERSITY OF THE STATE OF NEW YORK WHO RECEIVE NO COMPENSATION OR ARE COMPENSATED ON A PER DIEM BASIS,

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

LBD10672-01-1

(B) OFFICERS OF STATE DEPARTMENTS, BOARDS, BUREAUS, DIVISIONS, COMMISSIONS, COUNCILS OR OTHER STATE AGENCIES,

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

(IV) UNITED STATES SENATORS AND REPRESENTATIVES;

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

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

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