

2728

2013-2014 Regular Sessions

I N   S E N A T E

January 23, 2013

---

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

AN ACT to amend the penal law, in relation to enhancing the penalties for violations of orders of protection

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

1     Section 1. Section 215.52 of the penal law, as amended by chapter 350  
2     of the laws of 2006, is amended to read as follows:  
3     S 215.52 Aggravated criminal contempt.  
4     A person is guilty of aggravated criminal contempt when:  
5     1. in violation of a duly served order of protection, or such order of  
6     which the defendant has actual knowledge because he or she was present  
7     in court when such order was issued, or an order of protection issued by  
8     a court of competent jurisdiction in another state, territorial or  
9     tribal jurisdiction, he or she intentionally or recklessly causes phys-  
10    ical injury or serious physical injury to a person for whose protection  
11    such order was issued; or  
12    2. he or she commits the crime of criminal contempt in the first  
13    degree as defined in subdivision (b) or (d) of section 215.51 of this  
14    article and has been previously convicted of the crime of aggravated  
15    criminal contempt; or  
16    3. he or she commits the crime of criminal contempt in the first  
17    degree, as defined in paragraph (i), (ii), (iii), (v) or (vi) of subdi-  
18    vision (b) or subdivision (c) of section 215.51 of this article, and has  
19    been previously convicted of the crime of criminal contempt in the first  
20    degree, as defined in such subdivision (b), (c) or (d) of section 215.51  
21    of this article, within the preceding five years.  
22    Aggravated criminal contempt is a class [D] C felony.  
23    S 2. This act shall take effect on the first of November next succeed-  
24    ing the date on which it shall have become a law.

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

LBD05592-01-3