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

6374

I N S E N A T E

January 21, 2014

Introduced by Sen. KENNEDY -- 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 establishing the offense of aggravated assault upon a person less than ten years old

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

Section 1. This act shall be known and may be cited as "Luisito's law".

S 2. The penal law is amended by adding a new section 120.12-a to read as follows:

S 120.12-A AGGRAVATED ASSAULT UPON A PERSON LESS THAN TEN YEARS OLD.

A PERSON IS GUILTY OF AGGRAVATED ASSAULT UPON A PERSON LESS THAN TEN YEARS OLD WHEN BEING EIGHTEEN YEARS OLD OR MORE THE DEFENDANT COMMITS THE CRIME OF ASSAULT IN THE THIRD DEGREE AS DEFINED IN SECTION 120.00 OF THIS ARTICLE, BY MEANS OF A DEADLY WEAPON OR A DANGEROUS INSTRUMENT, UPON A PERSON LESS THAN TEN YEARS OLD.

AGGRAVATED ASSAULT UPON A PERSON LESS THAN TEN YEARS OLD IS A CLASS B FELONY.

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

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

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