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

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I N  S E N A T E

July 23, 2014

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

AN ACT to amend the penal law, in relation to establishing the crime of strangulation in the first degree; disregard of banned employment procedures

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

Section 1. Section 121.11 of the penal law, as added by chapter 405 of the laws of 2010, is amended to read as follows:

S 121.11 Criminal obstruction of breathing or blood circulation.

A person is guilty of criminal obstruction of breathing or blood circulation when, with intent to impede the normal breathing or circulation of the blood of another person, he or she:

a. applies pressure on the throat or neck of such person; or

b. blocks the nose or mouth of such person; OR

C. USES ANY PROCEDURE KNOWN AS A CHOKEHOLD.

Criminal obstruction of breathing or blood circulation is a class A misdemeanor.

S 2. The penal law is amended by adding a new section 121.13-a to read as follows:

S 121.13-A STRANGULATION IN THE FIRST DEGREE; DISREGARD OF BANNED EMPLOYMENT PROCEDURES.

A PERSON IS GUILTY OF STRANGULATION IN THE FIRST DEGREE; DISREGARD OF BANNED EMPLOYMENT PROCEDURES WHEN HE OR SHE DISREGARDS ANY PROCEDURES BANNED BY HIS OR HER EMPLOYMENT AND COMMITS THE CRIME OF CRIMINAL OBSTRUCTION OF BREATHING OR BLOOD CIRCULATION, AS DEFINED IN SECTION 121.11 OF THIS ARTICLE, AND THEREBY CAUSES SERIOUS PHYSICAL INJURY OR DEATH TO ANOTHER PERSON.

STRANGULATION IN THE FIRST DEGREE; DISREGARD OF BANNED EMPLOYMENT PROCEDURES IS A CLASS B FELONY.

S 3. This act shall take effect immediately.

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

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