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

10174

I N A S S E M B L Y

August 20, 2014

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Zebrowski) -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to establishing the crimes of reckless endangerment of a peace officer, police officer, firefighter or emergency medical services professional in the first and second degrees

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

Section 1. The penal law is amended by adding a new section 120.26 to read as follows:

S 120.26 RECKLESS ENDANGERMENT OF A PEACE OFFICER, POLICE OFFICER, FIREFIGHTER OR EMERGENCY MEDICAL SERVICES PROFESSIONAL IN THE SECOND DEGREE.

A PERSON IS GUILTY OF RECKLESS ENDANGERMENT OF A PEACE OFFICER, POLICE OFFICER, FIREFIGHTER OR EMERGENCY MEDICAL SERVICES PROFESSIONAL IN THE SECOND DEGREE WHEN, KNOWING THAT A BUILDING PERMIT IS REQUIRED AND WITH KNOWLEDGE THAT SUCH PERMIT HAS NOT BEEN OBTAINED, HE OR SHE KNOWINGLY ALTERS, CONVERTS, ENCLOSES, SUBDIVIDES OR PARTITIONS ANY BUILDING OR STRUCTURE IN VIOLATION OF THE NEW YORK STATE UNIFORM FIRE PREVENTION AND BUILDING CODE OR ANY OTHER PROVISION OF GENERAL, SPECIAL OR LOCAL LAW, ORDINANCE, ADMINISTRATIVE CODE, RULE OR REGULATION ADDRESSING STANDARDS FOR BUILDING CONSTRUCTION AND FIRE PREVENTION AND DURING SUCH FIRE OR OTHER EMERGENCY EVACUATION SUCH CONDUCT CREATES A SUBSTANTIAL RISK OF SERIOUS PHYSICAL INJURY TO A PEACE OFFICER, POLICE OFFICER, FIREFIGHTER OR EMERGENCY MEDICAL SERVICES PROFESSIONAL.

RECKLESS ENDANGERMENT OF A PEACE OFFICER, POLICE OFFICER, FIREFIGHTER OR EMERGENCY MEDICAL SERVICES PROFESSIONAL IN THE SECOND DEGREE IS A CLASS A MISDEMEANOR.

S 2. The penal law is amended by adding a new section 120.27 to read as follows:

S 120.27 RECKLESS ENDANGERMENT OF A PEACE OFFICER, POLICE OFFICER, FIREFIGHTER OR EMERGENCY MEDICAL SERVICES PROFESSIONAL IN THE FIRST DEGREE.

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

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A PERSON IS GUILTY OF RECKLESS ENDANGERMENT OF A PEACE OFFICER, POLICE OFFICER, FIREFIGHTER OR EMERGENCY MEDICAL SERVICES PROFESSIONAL IN THE FIRST DEGREE WHEN HE OR SHE COMMITS THE CRIME OF RECKLESS ENDANGERMENT OF A PEACE OFFICER, POLICE OFFICER, FIREFIGHTER OR EMERGENCY MEDICAL SERVICES PROFESSIONAL IN THE SECOND DEGREE AND:

1. DURING SUCH FIRE OR OTHER EMERGENCY EVACUATION SUCH CONDUCT CREATES A GRAVE RISK OF DEATH TO A PEACE OFFICER, POLICE OFFICER, FIREFIGHTER OR EMERGENCY MEDICAL SERVICES PROFESSIONAL AND SUCH PERSON SUSTAINS A PHYSICAL INJURY; OR

2. HAS PREVIOUSLY BEEN CONVICTED WITHIN THE LAST TEN YEARS OF RECKLESS ENDANGERMENT OF A PEACE OFFICER, POLICE OFFICER, FIREFIGHTER OR EMERGENCY MEDICAL SERVICES PROFESSIONAL IN THE FIRST OR SECOND DEGREE.

RECKLESS ENDANGERMENT OF A PEACE OFFICER, POLICE OFFICER, FIREFIGHTER OR EMERGENCY MEDICAL SERVICES PROFESSIONAL IN THE FIRST DEGREE IS A CLASS E FELONY.

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