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

2406

2013-2014 Regular Sessions

I N S E N A T E

January 17, 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 establishing the offense of assault on an elected official

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 120.09-a to read as follows:

S 120.09-A ASSAULT ON AN ELECTED OFFICIAL.

1. FOR THE PURPOSES OF THIS SECTION, THE TERM "ELECTED OFFICIAL" SHALL MEAN ANY PERSON WHO HOLDS A POSITION WITHIN ANY LEVEL OF STATE OR LOCAL GOVERNMENT AFTER BEING ELECTED AT A GENERAL OR SPECIAL ELECTION.

2. A PERSON IS GUILTY OF ASSAULT ON AN ELECTED OFFICIAL WHEN, WITH INTENT TO CAUSE SERIOUS PHYSICAL INJURY TO A PERSON WHOM HE OR SHE KNOWS OR REASONABLY SHOULD KNOW TO BE AN ELECTED OFFICIAL ENGAGED IN THE COURSE OF PERFORMING HIS OR HER OFFICIAL DUTIES, HE OR SHE CAUSES SERIOUS PHYSICAL INJURY TO SUCH ELECTED OFFICIAL.

ASSAULT ON AN ELECTED OFFICIAL IS A CLASS C FELONY.

S 2. This act shall take effect on the first of November next succeeding 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.

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