

7881

I N   S E N A T E

June 16, 2014

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Introduced by Sen. CARLUCCI -- 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 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:

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

3     S 120.26 RECKLESS ENDANGERMENT OF A PEACE OFFICER, POLICE OFFICER, FIRE-  
4             FIGHTER OR EMERGENCY MEDICAL SERVICES PROFESSIONAL IN THE  
5             SECOND DEGREE.

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

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

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

23    S 120.27 RECKLESS ENDANGERMENT OF A PEACE OFFICER, POLICE OFFICER, FIRE-  
24             FIGHTER OR EMERGENCY MEDICAL SERVICES PROFESSIONAL IN THE  
25             FIRST DEGREE.

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

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

6 1. DURING SUCH FIRE OR OTHER EMERGENCY EVACUATION SUCH CONDUCT CREATES  
7 A GRAVE RISK OF DEATH TO A PEACE OFFICER, POLICE OFFICER, FIREFIGHTER OR  
8 EMERGENCY MEDICAL SERVICES PROFESSIONAL AND SUCH PERSON SUSTAINS A PHYS-  
9 ICAL INJURY; OR

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

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

16 S 3. This act shall take effect on the first of November next succeed-  
17 ing the date on which it shall have become a law.