

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

4093--B

2015-2016 Regular Sessions

I N A S S E M B L Y

January 29, 2015

Introduced by M. of A. ABBATE -- read once and referred to the Committee on Codes -- recommitted to the Committee on Codes in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the penal law, in relation to assaulting a retired police officer

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

- 1 Section 1. Section 120.05 of the penal law is amended by adding a new
2 subdivision 14 to read as follows:
3 14. WITH THE INTENT TO CAUSE PHYSICAL INJURY TO A SPECIFIC RETIRED
4 POLICE OFFICER, AS POLICE OFFICER IS DEFINED PURSUANT TO SUBDIVISION
5 THIRTY-FOUR OF SECTION 1.20 OF THE CRIMINAL PROCEDURE LAW, DUE TO A
6 BELIEF REGARDING SUCH RETIRED POLICE OFFICER'S INVOLVEMENT IN A PREVIOUS
7 ARREST OF SUCH PERSON WHILE ON ACTIVE DUTY, HE OR SHE CAUSES SUCH INJURY
8 TO SUCH RETIRED POLICE OFFICER OR A THIRD PERSON.
9 S 2. Subdivision 4 of section 120.10 of the penal law, as amended by
10 chapter 791 of the laws of 1967, is amended and a new subdivision 5 is
11 added to read as follows:
12 4. In the course of and in furtherance of the commission or attempted
13 commission of a felony or of immediate flight therefrom, he, or another
14 participant if there be any, causes serious physical injury to a person
15 other than one of the participants[.] ; OR
16 5. WITH INTENT TO CAUSE SERIOUS PHYSICAL INJURY TO A SPECIFIC RETIRED
17 POLICE OFFICER, AS POLICE OFFICER IS DEFINED PURSUANT TO SUBDIVISION
18 THIRTY-FOUR OF SECTION 1.20 OF THE CRIMINAL PROCEDURE LAW, DUE TO A
19 BELIEF REGARDING SUCH RETIRED POLICE OFFICER'S INVOLVEMENT IN A PREVIOUS
20 ARREST OF SUCH PERSON WHILE ON ACTIVE DUTY, HE OR SHE CAUSES SUCH INJURY
21 TO SUCH RETIRED POLICE OFFICER OR TO A THIRD PERSON.
22 S 3. This act shall take effect on the ninetieth day after it shall
23 have become a law.

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

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