

2015-2016 Regular Sessions

I N S E N A T E

(PREFILED)

January 7, 2015

Introduced by Sen. DIAZ -- 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 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:

1 Section 1. Section 121.11 of the penal law, as added by chapter 405 of  
2 the laws of 2010, is amended to read as follows:  
3 S 121.11 Criminal obstruction of breathing or blood circulation.  
4 A person is guilty of criminal obstruction of breathing or blood  
5 circulation when, with intent to impede the normal breathing or circu-  
6 lation of the blood of another person, he or she:  
7 a. applies pressure on the throat or neck of such person; or  
8 b. blocks the nose or mouth of such person; OR  
9 C. USES ANY PROCEDURE KNOWN AS A CHOKEHOLD.  
10 Criminal obstruction of breathing or blood circulation is a class A  
11 misdemeanor.  
12 S 2. The penal law is amended by adding a new section 121.13-a to read  
13 as follows:  
14 S 121.13-A STRANGULATION IN THE FIRST DEGREE; DISREGARD OF BANNED  
15 EMPLOYMENT PROCEDURES.  
16 A PERSON IS GUILTY OF STRANGULATION IN THE FIRST DEGREE; DISREGARD OF  
17 BANNED EMPLOYMENT PROCEDURES WHEN HE OR SHE DISREGARDS ANY PROCEDURES  
18 BANNED BY HIS OR HER EMPLOYMENT AND COMMITS THE CRIME OF CRIMINAL  
19 OBSTRUCTION OF BREATHING OR BLOOD CIRCULATION, AS DEFINED IN SECTION  
20 121.11 OF THIS ARTICLE, AND THEREBY CAUSES SERIOUS PHYSICAL INJURY OR  
21 DEATH TO ANOTHER PERSON.  
22 STRANGULATION IN THE FIRST DEGREE; DISREGARD OF BANNED EMPLOYMENT  
23 PROCEDURES IS A CLASS B FELONY.  
24 S 3. This act shall take effect immediately.

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