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

6084

2015-2016 Regular Sessions

I N  S E N A T E

November 4, 2015

Introduced by Sen. LITTLE -- 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 expanding the offense of assault in the second degree to include the infliction of serious physical injury in the course of committing hazing in the first degree

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

Section 1. Paragraph (b) of subdivision 10, and subdivisions 11 and 12 of section 120.05 of the penal law, paragraph (b) of subdivision 10 as added by chapter 181 of the laws of 2000, subdivision 11 as amended by chapter 196 of the laws of 2014 and subdivision 12 as added by chapter 68 of the laws of 2008, are amended and a new subdivision 13 is added to read as follows:

(b) not being a student of such school or public school district, causes physical injury to another, and such other person is a student of such school who is attending or present for educational purposes. For purposes of this subdivision the term "school grounds" shall have the meaning set forth in subdivision fourteen of section 220.00 of this chapter[.]; OR

11. With intent to cause physical injury to a train operator, ticket inspector, conductor, signalperson, bus operator or station agent employed by any transit agency, authority or company, public or private, whose operation is authorized by New York state or any of its political subdivisions, a city marshal, a school crossing guard appointed pursuant to section two hundred eight-a of the general municipal law, a traffic enforcement officer, traffic enforcement agent, prosecutor as defined in subdivision thirty-one of section 1.20 of the criminal procedure law, sanitation enforcement agent, New York city sanitation worker, registered nurse or licensed practical nurse he or she causes physical injury to such train operator, ticket inspector, conductor, signalperson, bus operator or station agent, city marshal, school crossing guard appointed

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

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pursuant to section two hundred eight-a of the general municipal law, traffic enforcement officer, traffic enforcement agent, prosecutor as defined in subdivision thirty-one of section 1.20 of the criminal procedure law, registered nurse, licensed practical nurse, sanitation enforcement agent or New York city sanitation worker, while such employee is performing an assigned duty on, or directly related to, the operation of a train or bus, or such city marshal, school crossing guard, traffic enforcement officer, traffic enforcement agent, prosecutor as defined in subdivision thirty-one of section 1.20 of the criminal procedure law, registered nurse, licensed practical nurse, sanitation enforcement agent or New York city sanitation worker, is performing an assigned duty[.]; OR

12. With intent to cause physical injury to a person who is sixty-five years of age or older, he or she causes such injury to such person, and the actor is more than ten years younger than such person[.]; OR

13. IN THE COURSE OF AND IN FURTHERANCE OF THE COMMISSION OF THE CRIME OF HAZING IN THE FIRST DEGREE, AS DEFINED IN SECTION 120.16 OF THIS ARTICLE, HE OR SHE, OR ANOTHER PARTICIPANT IF THERE BE ANY, CAUSES SERIOUS PHYSICAL INJURY TO ANOTHER PERSON.

S 2. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.