

1188--A

2015-2016 Regular Sessions

I N   S E N A T E

January 9, 2015

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Introduced by Sens. CARLUCCI, VALESKY -- read twice and ordered printed,  
and when printed to be committed to the Committee on Codes -- commit-  
tee discharged, bill amended, ordered reprinted as amended and recom-  
mitted to said committee

AN ACT to amend the penal law, in relation to establishing the offenses  
of reckless endangerment of an emergency service person in the first  
degree and reckless endangerment of an emergency service person in the  
second degree

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

1     Section 1. The penal law is amended by adding three new sections  
2     120.26, 120.27 and 120.28 to read as follows:  
3     S 120.26 DEFINITIONS.  
4     FOR THE PURPOSES OF SECTIONS 120.27 AND 120.28 OF THIS ARTICLE, "EMER-  
5     GENCY SERVICE PERSON" SHALL MEAN ANY OF THE FOLLOWING PERSONS:  
6         1. A FIREFIGHTER;  
7         2. A POLICE OFFICER;  
8         3. A PEACE OFFICER;  
9         4. AN EMERGENCY SERVICES PROFESSIONAL;  
10        5. A CODE ENFORCEMENT OFFICER;  
11        6. A FIRE INSPECTION PERSONNEL; OR  
12        7. A BUILDING INSPECTOR.  
13     S 120.27 RECKLESS ENDANGERMENT OF AN EMERGENCY SERVICE PERSON IN THE  
14        SECOND DEGREE.  
15     A PERSON IS GUILTY OF RECKLESS ENDANGERMENT OF AN EMERGENCY SERVICE  
16     PERSON IN THE SECOND DEGREE WHEN, KNOWING THAT A BUILDING PERMIT IS  
17     REQUIRED AND WITHOUT OBTAINING SUCH PERMIT, HE OR SHE ALTERS, CONVERTS,  
18     ENCLOSURES, SUBDIVIDES OR PARTITIONS ANY BUILDING OR STRUCTURE IN  
19     VIOLATION OF THE NEW YORK STATE UNIFORM FIRE PREVENTION AND BUILDING  
20     CODE OR ANY OTHER PROVISION OF GENERAL, SPECIAL OR LOCAL LAW, ORDINANCE,  
21     ADMINISTRATIVE CODE, RULE OR REGULATION ADDRESSING STANDARDS FOR BUILD-

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

LBD03410-03-5

1   ING CONSTRUCTION AND FIRE PREVENTION IN A MANNER THAT IMPEDES A PERSON'S  
2   EGRESS AND DURING A FIRE OR OTHER EMERGENCY EVACUATION AND SUCH CONDUCT  
3   RESULTS IN THE INJURY OF AN EMERGENCY SERVICE PERSON.

4   RECKLESS ENDANGERMENT OF AN EMERGENCY SERVICE PERSON IN THE SECOND  
5   DEGREE IS A CLASS E FELONY.

6   S 120.28 RECKLESS ENDANGERMENT OF AN EMERGENCY SERVICE PERSON IN THE  
7   FIRST DEGREE.

8   A PERSON IS GUILTY OF RECKLESS ENDANGERMENT OF AN EMERGENCY SERVICE  
9   PERSON IN THE FIRST DEGREE WHEN HE OR SHE COMMITS THE CRIME OF RECKLESS  
10  ENDANGERMENT OF AN EMERGENCY SERVICE PERSON IN THE SECOND DEGREE AND:

11   1. DURING SUCH FIRE OR OTHER EMERGENCY EVACUATION SUCH CONDUCT RESULTS  
12  IN THE DEATH OF AN EMERGENCY SERVICE PERSON; OR

13   2. HAS PREVIOUSLY BEEN CONVICTED WITHIN THE LAST TEN YEARS OF RECKLESS  
14  ENDANGERMENT OF AN EMERGENCY SERVICE PERSON IN THE FIRST OR SECOND  
15  DEGREE.

16   RECKLESS ENDANGERMENT OF AN EMERGENCY SERVICE PERSON IN THE FIRST  
17  DEGREE IS A CLASS D FELONY.

18   S 2. This act shall take effect on the first of November next succeed-  
19  ing the date on which it shall have become a law.