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

5349

2015-2016 Regular Sessions

I N S E N A T E

May 13, 2015

Introduced by Sen. GALLIVAN -- read twice and ordered printed, and when printed to be committed to the Committee on Veterans, Homeland Security and Military Affairs

AN ACT to amend the penal law, in relation to establishing the crime of making a terroristic threat against a police officer

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

Section 1. The penal law is amended by adding a new section 490.21 to read as follows:

S 490.21 MAKING A TERRORISTIC THREAT AGAINST A POLICE OFFICER.

1. A PERSON IS GUILTY OF MAKING A TERRORISTIC THREAT AGAINST A POLICE OFFICER WHEN WITH INTENT TO INTIMIDATE OR COERCE A CIVILIAN POPULATION, INFLUENCE THE POLICY OF A UNIT OF GOVERNMENT BY INTIMIDATION OR COERCION, OR AFFECT THE CONDUCT OF A UNIT OF GOVERNMENT BY MURDER, ASSASSINATION OR KIDNAPPING, HE OR SHE THREATENS TO COMMIT OR CAUSE TO BE COMMITTED A SPECIFIED OFFENSE AGAINST A POLICE OFFICER AND THEREBY CAUSES A REASONABLE EXPECTATION OR FEAR OF THE IMMINENT COMMISSION OF SUCH OFFENSE AGAINST A POLICE OFFICER.

2. IT SHALL BE NO DEFENSE TO A PROSECUTION PURSUANT TO THIS SECTION THAT THE DEFENDANT DID NOT HAVE THE INTENT OR CAPABILITY OF COMMITTING THE SPECIFIED OFFENSE OR THAT THE THREAT WAS NOT MADE TO A PERSON WHO WAS A SUBJECT THEREOF.

MAKING A TERRORISTIC THREAT AGAINST A POLICE OFFICER IS A CLASS C FELONY.

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

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

LBD11015-01-5