

5599--A

Cal. No. 952

2015-2016 Regular Sessions

I N S E N A T E

May 18, 2015

Introduced by Sens. NOZZOLIO, AVELLA, GALLIVAN -- read twice and ordered printed, and when printed to be committed to the Committee on Codes -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the penal law, in relation to aggravated assault upon a police officer

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

1 Section 1. Section 120.11 of the penal law, as amended by chapter 283
2 of the laws of 1993, is amended to read as follows:
3 S 120.11 Aggravated assault upon a police officer or a peace officer IN
4 THE FIRST DEGREE.
5 1. A person is guilty of aggravated assault upon a police officer or a
6 peace officer IN THE FIRST DEGREE when, with intent to cause serious
7 physical injury to a person whom he OR SHE knows or reasonably should
8 know to be a police officer or a peace officer engaged in the course of
9 performing his OR HER official duties, he OR SHE causes such injury by
10 means of a deadly weapon or dangerous instrument; OR
11 2. A PERSON IS GUILTY OF AGGRAVATED ASSAULT UPON A POLICE OFFICER OR A
12 PEACE OFFICER IN THE FIRST DEGREE WHEN, WITH INTENT TO CAUSE SERIOUS
13 PHYSICAL INJURY TO A PERSON WHOM HE OR SHE KNOWS OR REASONABLY SHOULD
14 KNOW TO BE A POLICE OFFICER OR A PEACE OFFICER ENGAGED IN THE COURSE OF
15 PERFORMING HIS OR HER OFFICIAL DUTIES, AND WHEN SUCH PERSON IS AIDED BY
16 ONE OR MORE OTHER PERSONS ACTUALLY PRESENT, AT AN ASSEMBLY IN A PUBLIC
17 PLACE AS DEFINED BY ARTICLE TWO HUNDRED FORTY OF THIS PART, HE OR SHE
18 CAUSES SERIOUS PHYSICAL INJURY TO SUCH POLICE OFFICER OR PEACE OFFICER.
19 Aggravated assault upon a police officer or a peace officer is a class
20 B felony.
21 S 2. The penal law is amended by adding a new section 120.11-a to read
22 as follows:

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

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1 S 120.11-A AGGRAVATED ASSAULT UPON A POLICE OFFICER OR A PEACE OFFICER
2 IN THE SECOND DEGREE.

3 A PERSON IS GUILTY OF AGGRAVATED ASSAULT UPON A POLICE OFFICER OR A
4 PEACE OFFICER IN THE SECOND DEGREE WHEN, WITH INTENT TO CAUSE PHYSICAL
5 INJURY TO A PERSON WHOM HE OR SHE KNOWS OR REASONABLY SHOULD KNOW TO BE
6 A POLICE OFFICER OR A PEACE OFFICER ENGAGED IN THE COURSE OF PERFORMING
7 HIS OR HER OFFICIAL DUTIES, AND WHEN SUCH PERSON IS AIDED BY ONE OR MORE
8 OTHER PERSONS ACTUALLY PRESENT, AT AN ASSEMBLY IN A PUBLIC PLACE AS
9 DEFINED BY ARTICLE TWO HUNDRED FORTY OF THIS PART, HE OR SHE CAUSES
10 PHYSICAL INJURY TO SUCH POLICE OFFICER OR PEACE OFFICER.

11 AGGRAVATED ASSAULT UPON A POLICE OFFICER OR A PEACE OFFICER IN THE
12 SECOND DEGREE IS A CLASS C FELONY.

13 S 3. Paragraph (b) of subdivision 1 of section 70.02 of the penal law,
14 as amended by chapter 1 of the laws of 2013, is amended to read as
15 follows:

16 (b) Class C violent felony offenses: an attempt to commit any of the
17 class B felonies set forth in paragraph (a) of this subdivision; AGGRA-
18 VATED ASSAULT UPON A POLICE OFFICER OR A PEACE OFFICER IN THE SECOND
19 DEGREE AS DEFINED IN SECTION 120.11-A, aggravated criminally negligent
20 homicide as defined in section 125.11, aggravated manslaughter in the
21 second degree as defined in section 125.21, aggravated sexual abuse in
22 the second degree as defined in section 130.67, assault on a peace offi-
23 cer, police officer, fireman or emergency medical services professional
24 as defined in section 120.08, assault on a judge as defined in section
25 120.09, gang assault in the second degree as defined in section 120.06,
26 strangulation in the first degree as defined in section 121.13, burglary
27 in the second degree as defined in section 140.25, robbery in the second
28 degree as defined in section 160.10, criminal possession of a weapon in
29 the second degree as defined in section 265.03, criminal use of a
30 firearm in the second degree as defined in section 265.08, criminal sale
31 of a firearm in the second degree as defined in section 265.12, criminal
32 sale of a firearm with the aid of a minor as defined in section 265.14,
33 aggravated criminal possession of a weapon as defined in section 265.19,
34 soliciting or providing support for an act of terrorism in the first
35 degree as defined in section 490.15, hindering prosecution of terrorism
36 in the second degree as defined in section 490.30, and criminal
37 possession of a chemical weapon or biological weapon in the third degree
38 as defined in section 490.37.

39 S 4. This act shall take effect on the ninetieth day after it shall
40 have become a law.