STATE OF NEW YORK

4330

2017-2018 Regular Sessions

IN ASSEMBLY

February 2, 2017

Introduced by M. of A. PRETLOW, CYMBROWITZ, COLTON, GALEF -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to the reckless assault of a child resulting in serious physical injury

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision 10 of section 10.00 of the penal law, as amended by chapter 791 of the laws of 1967, is amended to read as follows:

10. "Serious physical injury" means physical injury which creates a substantial risk of death, or which causes death or serious and protracted disfigurement, protracted impairment of health or protracted loss or impairment of the function of any bodily organ**, including, in the case of a child less than seven years old, subdural hemorrhage, intercranial hemorrhage or retinal hemorrhages**.

§ 2. Paragraph (b) of subdivision 10 and subdivision 14 of section 120.05 of the penal law, paragraph (b) of subdivision 10 as amended and subdivision 14 as added by chapter 268 of the laws of 2016, are amended and a new subdivision 15 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~~] **part**; or

14. With intent to prevent or obstruct a process server, as defined in section eighty-nine-t of the general business law, from performing a lawful duty pursuant to article three of the civil practice law and rules, or intentionally, as retaliation against such a process server for the performance of the process server's duties pursuant to such article, including by means of releasing or failing to control an animal

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

LBD09237-01-7

evincing the actor's intent that the animal prevent or obstruct the lawful duty of the process server or as retaliation against the process server, he or she causes physical injury to such process server[~~.~~]**; or**

15. Being eighteen years old or more, he or she recklessly causes serious physical injury to a child less than seven years old.

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