STATE OF NEW YORK

8207

2017-2018 Regular Sessions

IN ASSEMBLY

June 2, 2017

Introduced by M. of A. CUSICK -- read once and referred to the Committee on Codes

AN ACT to amend the criminal procedure law and the penal law, in relation to the criminal use of a dangerous instrument on school grounds during the commission of a felony

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

Section 1. Paragraph (d) of subdivision 5 of section 220.10 of the criminal procedure law is amended by adding a new subparagraph (v) to read as follows:

(v) Where the indictment charges the class D felony offense of assault in the second degree, pursuant to subdivision ten of section 120.05 of the penal law, any plea to such indictment shall include a plea of guilty to such charge notwithstanding any other provision of law.

§ 2. Subdivision 13 of section 10.00 of the penal law, as amended by chapter 791 of the laws of 1967, is amended to read as follows:

13. "Dangerous instrument" means any instrument, article or substance, including a "vehicle" as that term is defined in this section, **or an umbrella customarily used to shield an individual from climatic conditions,** which, under the circumstances in which it is used, attempted to be used or threatened to be used, is readily capable of causing death or other serious physical injury.

§ 3. 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.

LBD11630-01-7