

# STATE OF NEW YORK

1342--A

Cal. No. 491

2017-2018 Regular Sessions

## IN SENATE

January 9, 2017

Introduced by Sen. ALCANTARA -- 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 gang assault

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

1 Section 1. Section 120.06 of the penal law, as added by chapter 647 of  
2 the laws of 1996, is amended to read as follows:

3 § 120.06 Gang assault in the second degree.

4 A person is guilty of gang assault in the second degree when~~[-with]:~~

5 1. With intent to cause physical injury to another person and when  
6 aided by two or more other persons actually present, he or she causes  
7 serious physical injury to such person or to a third person~~[-]; or~~

8 2. He or she operates a motor vehicle with intent to cause physical  
9 injury to another person and when aided by two or more other persons  
10 actually present, he or she causes serious physical injury to such  
11 person or to a third person.

12 Gang assault in the second degree is a class C felony.

13 § 2. Section 120.07 of the penal law, as added by chapter 647 of the  
14 laws of 1996, is amended to read as follows:

15 § 120.07 Gang assault in the first degree.

16 A person is guilty of gang assault in the first degree when~~[-with]:~~

17 1. With intent to cause serious physical injury to another person and  
18 when aided by two or more other persons actually present, he or she  
19 causes serious physical injury to such person or to a third person~~[-];~~  
20 or

21 2. He or she operates a motor vehicle with intent to cause serious  
22 physical injury to another person and when aided by two or more other

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

LBD06968-02-7

1 persons actually present, he or she causes serious physical injury to  
2 such person or to a third person.

3 Gang assault in the first degree is a class B felony.

4 § 3. This act shall take effect on the one hundred eightieth day after  
5 it shall have become a law.