

STATE OF NEW YORK

773

2017-2018 Regular Sessions

IN SENATE

January 4, 2017

Introduced by Sens. CARLUCCI, VALESKY -- read twice and ordered printed,
and when printed to be committed to the Committee on Codes

AN ACT to amend the penal law, in relation to establishing the offenses
of reckless endangerment of an emergency service person in the first
degree and reckless endangerment of an emergency service person in the
second degree

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

1 Section 1. The penal law is amended by adding three new sections
2 120.26, 120.27 and 120.28 to read as follows:

3 § 120.26 Definitions.

4 For the purposes of sections 120.27 and 120.28 of this article, "emer-
5 gency service person" shall mean any of the following persons:

6 1. a firefighter;

7 2. a police officer;

8 3. a peace officer;

9 4. an emergency services professional;

10 5. a code enforcement officer;

11 6. a fire inspection personnel; or

12 7. a building inspector.

13 § 120.27 Reckless endangerment of an emergency service person in the
14 second degree.

15 A person is guilty of reckless endangerment of an emergency service
16 person in the second degree when, knowing that a building permit is
17 required and without obtaining such permit, he or she alters, converts,
18 encloses, subdivides or partitions any building or structure in
19 violation of the New York state uniform fire prevention and building
20 code or any other provision of general, special or local law, ordinance,
21 administrative code, rule or regulation addressing standards for build-
22 ing construction and fire prevention in a manner that impedes a person's

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

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1 egress and during a fire or other emergency evacuation and such conduct
2 results in the injury of an emergency service person.

3 Reckless endangerment of an emergency service person in the second
4 degree is a class E felony.

5 § 120.28 Reckless endangerment of an emergency service person in the
6 first degree.

7 A person is guilty of reckless endangerment of an emergency service
8 person in the first degree when he or she commits the crime of reckless
9 endangerment of an emergency service person in the second degree and:

10 1. during such fire or other emergency evacuation such conduct results
11 in the death of an emergency service person; or

12 2. has previously been convicted within the last ten years of reckless
13 endangerment of an emergency service person in the first or second
14 degree.

15 Reckless endangerment of an emergency service person in the first
16 degree is a class D felony.

17 § 2. This act shall take effect on the first of November next succeed-
18 ing the date on which it shall have become a law.