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 Assembly, do enact as follows:

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

§ 120.26 Definitions.

For the purposes of sections 120.27 and 120.28 of this article, "emergency service person" shall mean any of the following persons:

1. a firefighter;

2. a police officer;

3. a peace officer;

4. an emergency services professional;

5. a code enforcement officer;

6. a fire inspection personnel; or

7. a building inspector.

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

A person is guilty of reckless endangerment of an emergency service person in the second degree when, knowing that a building permit is required and without obtaining such permit, he or she alters, converts, encloses, subdivides or partitions any building or structure in violation of the New York state uniform fire prevention and building code or any other provision of general, special or local law, ordinance, administrative code, rule or regulation addressing standards for building 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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egress and during a fire or other emergency evacuation and such conduct results in the injury of an emergency service person.

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

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

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

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

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

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

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