STATE OF NEW YORK

8083

IN SENATE

March 26, 2018

Introduced by Sen. MARCHIONE -- 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 including exposing a first responder to fentanyl, fentanyl derivatives or opiates containing fentanyl or fentanyl derivatives in the definition of the offense of assault in the first degree

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

Section 1. Section 120.10 of the penal law, subdivision 4 as amended by chapter 791 of the laws of 1967 and the closing paragraph as amended by chapter 646 of the laws of 1996, is amended to read as follows:

§ 120.10 Assault in the first degree.

A person is guilty of assault in the first degree when:

1. With intent to cause serious physical injury to another person, he **or she** causes such injury to such person or to a third person by means of a deadly weapon or a dangerous instrument; or

2. With intent to disfigure another person seriously and permanently, or to destroy, amputate or disable permanently a member or organ of his **or her** body, he **or she** causes such injury to such person or to a third person; or

3. Under circumstances evincing a depraved indifference to human life, he **or she** recklessly engages in conduct which creates a grave risk of death to another person, and thereby causes serious physical injury to another person; or

4. In the course of and in furtherance of the commission or attempted commission of a felony or of immediate flight therefrom, he **or she**, or another participant if there be any, causes serious physical injury to a person other than one of the participants**; or**

5. With intent to cause serious physical injury to a first responder as defined in section three thousand one of the public health law, he or she causes such injury to such first responder by exposing such first responder to fentanyl, a fentanyl derivative or an opiate containing fentanyl or a fentanyl derivative by any means, including, but not

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

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limited to, throwing or tossing at or injecting such first responder with any such substance.

Assault in the first degree is a class B felony.

§ 2. This act shall take effect on the first of November next succeeding the date upon which it shall have become a law and shall apply to offenses committed on or after such effective date. Effective immediately the addition, amendment or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made on or before such date.