STATE OF NEW YORK

1776

2019-2020 Regular Sessions

IN SENATE

January 16, 2019

Introduced by Sen. LANZA -- read twice and ordered printed, and when printed to be committed 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. Subparagraph (iv) of paragraph (d) of subdivision 5 of section 220.10 of the criminal procedure law, as amended by chapter 189 of the laws of 2000, is amended and a new subparagraph (v) is added to read as follows:

(iv) Where the indictment charges the class D violent felony offenses of criminal possession of a weapon in the third degree as defined in subdivision four of section 265.02 of the penal law and the provisions of subparagraph (iii) of this paragraph do not apply, or subdivision five, seven or eight of section 265.02 of the penal law, then a plea of guilty must include at least a plea of guilty to a class E violent felony offense[~~.~~]*;*

(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.

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