STATE OF NEW YORK

6670--A

2019-2020 Regular Sessions

IN SENATE

August 26, 2019

Introduced by Sen. BENJAMIN -- read twice and ordered printed, and when printed to be committed to the Committee on Rules -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the penal law, in relation to establishing the crime of strangulation in the first degree; disregard of banned employment procedures

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

Section 1. Short title. This act shall be known and may be cited as the "Eric Garner anti-chokehold act".

§ 2. Section 121.11 of the penal law, as added by chapter 405 of the laws of 2010, is amended to read as follows:

§ 121.11 Criminal obstruction of breathing or blood circulation.

A person is guilty of criminal obstruction of breathing or blood circulation when, with intent to impede the normal breathing or circulation of the blood of another person, he or she:

a. applies pressure on the throat or neck of such person; or

b. blocks the nose or mouth of such person**; or**

c. uses any procedure known as a chokehold.

Criminal obstruction of breathing or blood circulation is a class A misdemeanor.

§ 3. The penal law is amended by adding a new section 121.13-a to read as follows:

§ 121.13-a Strangulation in the first degree; disregard of banned employment procedures.

A person is guilty of strangulation in the first degree; disregard of banned employment procedures when he or she disregards any procedures banned by his or her employment and commits the crime of criminal obstruction of breathing or blood circulation, as defined in section

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

LBD10132-02-9

121.11 of this article, and thereby causes serious physical injury or death to another person.

Strangulation in the first degree; disregard of banned employment procedures is a class B felony.

§ 4. This act shall take effect immediately.