STATE OF NEW YORK

4016

2019-2020 Regular Sessions

IN ASSEMBLY

January 31, 2019

Introduced by M. of A. WEPRIN -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to intentional physical injuries to a police officer

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

Section 1. Subdivisions 13 and 14 of section 120.05 of the penal law, subdivision 13 as amended and subdivision 14 as added by chapter 268 of the laws of 2016, are amended and a new subdivision 15 is added to read as follows:

13. Being confined to a secure treatment facility, as such term is defined in subdivision (o) of section 10.03 of the mental hygiene law, and with intent to cause physical injury to an employee of such secure treatment facility performing his or her duties, he or she causes such injury to such person; [~~or~~]

14. With intent to prevent or obstruct a process server, as defined in section eighty-nine-t of the general business law, from performing a lawful duty pursuant to article three of the civil practice law and rules, or intentionally, as retaliation against such a process server for the performance of the process server's duties pursuant to such article, including by means of releasing or failing to control an animal evincing the actor's intent that the animal prevent or obstruct the lawful duty of the process server or as retaliation against the process server, he or she causes physical injury to such process server[~~.~~]**; or**

15. With the intent to cause physical injury to a specific police officer, as police officer is defined pursuant to subdivision thirty-four of section 1.20 of the criminal procedure law, due to a belief regarding such police officer's involvement in a previous arrest of such person, he or she causes such injury to such police officer or a third person.

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

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§ 2. Subdivision 4 of section 120.10 of the penal law, as amended by chapter 791 of the laws of 1967, is amended and a new subdivision 5 is added to read as follows:

4. In the course of and in furtherance of the commission or attempted commission of a felony or of immediate flight therefrom, he, 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 specific police officer, as police officer is defined pursuant to subdivision thirty-four of section 1.20 of the criminal procedure law, due to a belief regarding such police officer's involvement in a previous arrest of such person, he or she causes such injury to such police officer or to a third person.

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