

# STATE OF NEW YORK

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7984

2019-2020 Regular Sessions

## IN ASSEMBLY

May 30, 2019

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Introduced by M. of A. O'DONNELL, WEPRIN, AUBRY, OTIS, WALKER, BRONSON, JAFFEE, BICHOTTE, TAYLOR, STECK, D'URSO, SIMOTAS, ORTIZ, SIMON, GLICK, SEAWRIGHT, BLAKE, BUCHWALD -- Multi-Sponsored by -- M. of A. FAHY, PERRY, RICHARDSON -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to enacting the "domestic violence escalation prevention act"; and to repeal certain provisions of such law relating thereto

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

1 Section 1. Short title. This act shall be known and may be cited as  
2 the "domestic violence escalation prevention act".

3 § 2. Paragraph (b) of subdivision 17 of section 265.00 of the penal  
4 law, as added by section 2 of chapter 232 of the laws of 2010, is  
5 REPEALED.

6 § 3. Subdivision 17 of section 265.00 of the penal law, as added by  
7 chapter 1041 of the laws of 1974, paragraph (a) as amended by chapter  
8 264 of the laws of 2003, paragraph (b) as amended by chapter 232 of the  
9 laws of 2010, and paragraph (c) as added by chapter 60 of the laws of  
10 2018, is amended to read as follows:

11 17. "Serious offense" means (a) any of the following offenses defined  
12 in the former penal law as in force and effect immediately prior to  
13 September first, nineteen hundred sixty-seven: illegally using, carrying  
14 or possessing a pistol or other dangerous weapon; making or possessing  
15 burglar's instruments; buying or receiving stolen property; unlawful  
16 entry of a building; aiding escape from prison; that kind of disorderly  
17 conduct defined in subdivisions six and eight of section seven hundred  
18 twenty-two of such former penal law; violations of sections four hundred  
19 eighty-three, four hundred eighty-three-b, four hundred eighty-four-h  
20 and article one hundred six of such former penal law; that kind of crim-  
21 inal sexual act or rape which was designated as a misdemeanor; violation  
22 of section seventeen hundred forty-seven-d and seventeen hundred forty-

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

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1 seven-e of such former penal law; any violation of any provision of  
2 article thirty-three of the public health law relating to narcotic drugs  
3 which was defined as a misdemeanor by section seventeen hundred fifty-  
4 one-a of such former penal law, and any violation of any provision of  
5 article thirty-three-A of the public health law relating to depressant  
6 and stimulant drugs which was defined as a misdemeanor by section seven-  
7 teen hundred forty-seven-b of such former penal law[+];

8 (b) any of the following offenses defined in the penal law: illegally  
9 using, carrying or possessing a pistol or other dangerous weapon;  
10 possession of burglar's tools; criminal possession of stolen property in  
11 the third degree; escape in the third degree; jostling; fraudulent  
12 accosting; endangering the welfare of a child; the offenses defined in  
13 article two hundred thirty-five; issuing abortifacient articles; permitting  
14 prostitution; promoting prostitution in the third degree; stalking in  
15 the third degree; stalking in the fourth degree; the offenses defined in  
16 article one hundred thirty; the offenses defined in article two hundred  
17 twenty[+];

18 (c) any of the following offenses, where the defendant and the person  
19 against whom the offense was committed were members of the same family  
20 or household as defined in subdivision one of section 530.11 of the  
21 criminal procedure law and as established pursuant to section 370.15 of  
22 the criminal procedure law: assault in the third degree; menacing in the  
23 third degree; menacing in the second degree; criminal obstruction of  
24 breathing or blood circulation; unlawful imprisonment in the second  
25 degree; coercion in the third degree; criminal tampering in the third  
26 degree; criminal contempt in the second degree; harassment in the first  
27 degree; aggravated harassment in the second degree; criminal trespass in  
28 the third degree; criminal trespass in the second degree; arson in the  
29 fifth degree; or attempt to commit any of the above-listed offenses[+];

30 or

31 (d) an offense set forth in section 370.15 of the criminal procedure  
32 law in which the court makes a specific written determination that the  
33 defendant is related or situated to the victim of the crime in the  
34 manner specified in 18 U.S.C. 921(a)(33)(A)(ii) as provided in section  
35 370.15 of the criminal procedure law, provided, however that no such  
36 written determination shall be required for an offense included in para-  
37 graph (a) or (b) of this subdivision.

38 § 4. This act shall take effect immediately.