

# STATE OF NEW YORK

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6641

2019-2020 Regular Sessions

## IN SENATE

July 31, 2019

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Introduced by Sen. JACOBS -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the penal law and the criminal procedure law, in relation to menacing a police officer or peace officer

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

1 Section 1. Section 120.18 of the penal law, as added by chapter 765 of  
2 the laws of 2005, is amended to read as follows:

3 § 120.18 Menacing a police officer or peace officer in the first degree.

4 A person is guilty of menacing a police officer or peace officer in  
5 the first degree when he or she intentionally places or attempts to  
6 place a police officer or peace officer in reasonable fear of physical  
7 injury, serious physical injury or death by displaying a deadly weapon,  
8 knife, pistol, revolver, rifle, shotgun, machine gun or other firearm,  
9 whether operable or not, where such officer was in the course of  
10 performing his or her official duties and the defendant knew or reason-  
11 ably should have known that such victim was a police officer or peace  
12 officer.

13 Menacing a police officer or peace officer in the first degree is a  
14 class D felony.

15 § 2. The penal law is amended by adding a new section 120.19 to read  
16 as follows:

17 § 120.19 Menacing a police officer or peace officer in the second  
18 degree.

19 A person is guilty of menacing a police officer or peace officer in  
20 the second degree when he or she intentionally assaults a police officer  
21 or peace officer by throwing or spraying water or any other substance  
22 where such officer was in the course of performing his or her official  
23 duties and the defendant knew or reasonably should have known that such  
24 victim was a police officer or peace officer.

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

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1 Menacing a police officer or peace officer in the second degree is a  
2 class E felony.

3 § 3. Subparagraph (viii) of paragraph (b) of subdivision 1 of section  
4 150.20 of the criminal procedure law, as added by section 1-a of part  
5 JJJ of chapter 59 of the laws of 2019, is amended to read as follows:

6 (viii) it reasonably appears to the officer, based on the observed  
7 behavior of the individual in the present contact with the officer and  
8 facts regarding the person's condition that indicates a sign of distress  
9 to such a degree that the person would face harm without immediate  
10 medical or mental health care, that bringing the person before the court  
11 would be in such person's interest in addressing that need; provided,  
12 however, that before making the arrest, the officer shall make all  
13 reasonable efforts to assist the person in securing appropriate  
14 services;

15 (ix) the person is charged with menacing a police officer or peace  
16 officer in the second degree as defined in section 120.19 of the penal  
17 law.

18 § 4. This act shall take effect on the first of November next  
19 succeeding the date on which it shall have become a law provided, howev-  
20 er, that if section 1-a of part JJJ of chapter 59 of the laws of 2019  
21 shall not have taken effect on or before such date then section three of  
22 this act shall take effect on the same date and in the same manner as  
23 such chapter of the laws of 2019, takes effect.