

STATE OF NEW YORK

8823

IN SENATE

July 20, 2020

Introduced by Sens. LANZA, AKSHAR, AMEDORE, BORRELLO, BOYLE, FUNKE, GALLIVAN, GRIFFO, HELMING, JORDAN, LAVALLE, LITTLE, O'MARA, ORTT, RANZENHOFER, RITCHIE, ROBACH, SERINO, SEWARD, TEDISCO -- 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 resisting arrest

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

1 Section 1. The closing paragraph of section 205.30 of the penal law,
2 as amended by chapter 843 of the laws of 1980, is amended to read as
3 follows:
4 Resisting arrest is a class [~~A misdemeanor~~] E felony.
5 § 2. Paragraph (a) of subdivision 1 of section 150.20 of the criminal
6 procedure law, as amended by section 1-a of part JJJ of chapter 59 of
7 the laws of 2019, is amended to read as follows:
8 (a) Whenever a police officer is authorized pursuant to section 140.10
9 of this title to arrest a person without a warrant for an offense other
10 than a class A, B, C or D felony or a violation of section 130.25,
11 130.40, 205.10, 205.17, 205.19, 205.30 or 215.56 of the penal law, he
12 shall, except as set out in paragraph (b) of this subdivision, subject
13 to the provisions of subdivisions three and four of section 150.40 of
14 this title, instead issue to and serve upon such person an appearance
15 ticket.
16 § 3. This act shall take effect immediately, provided, however, that
17 if section 1-a of part JJJ of chapter 59 of the laws of 2019 shall not
18 have taken effect on or before such date then section two of this act
19 shall take effect on the same date and in the same manner as such chap-
20 ter of the laws of 2019, takes effect.

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

LBD13687-01-9