

# STATE OF NEW YORK

4324

2021-2022 Regular Sessions

## IN ASSEMBLY

February 1, 2021

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

AN ACT to amend the penal law, in relation to the crime of resisting arrest

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

1 Section 1. Section 205.30 of the penal law, as amended by chapter 843  
2 of the laws of 1980, is amended to read as follows:

3 § 205.30 Resisting arrest in the second degree.

4 A person is guilty of resisting arrest in the second degree when he or  
5 she intentionally prevents or attempts to prevent a police officer or  
6 peace officer from effecting an authorized arrest of himself, herself or  
7 another person.

8 Resisting arrest in the second degree is a class A misdemeanor.

9 § 2. The penal law is amended by adding a new section 205.35 to read  
10 as follows:

11 § 205.35 Resisting arrest in the first degree.

12 A person is guilty of resisting arrest in the first degree when he or  
13 she commits the crime of resisting arrest in the second degree as  
14 defined in section 205.30 of this article and has been previously  
15 convicted within the preceding five years of resisting arrest in the  
16 second degree as defined in section 205.30 of this article.

17 Resisting arrest in the first degree is a class E felony.

18 § 3. This act shall take effect sixty days after it shall have become  
19 a law.

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

LBD08639-01-1