

# STATE OF NEW YORK

4843

2021-2022 Regular Sessions

## IN ASSEMBLY

February 8, 2021

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

AN ACT to amend the penal law, in relation to establishing the crime of assault on a pregnant individual

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

1 Section 1. This act shall be known and may be cited as the "Liv Act."

2 § 2. The penal law is amended by adding new section 120.05-a to read  
3 as follows:

4 § 120.05-a Assault on a pregnant individual.

5 A person is guilty of assault on a pregnant individual when he or she  
6 intentionally or knowingly causes injury to an individual he or she  
7 knows or has reason to know is pregnant.

8 1. For the purposes of this section, "injury" includes bodily injury  
9 that results in the termination of a pregnancy.

10 2. This section shall not apply to acts committed by:

11 a. a pregnant individual or any person providing treatment relating to  
12 an abortion for which the consent of the pregnant individual, or a  
13 person authorized by law to act on behalf of the pregnant individual,  
14 has been obtained or for which such consent is implied by law; or

15 b. any person providing any medical treatment of a pregnant individ-  
16 ual.

17 3. This section shall be construed and applied consistent with article  
18 twenty-five of the public health law and applicable laws and regulations  
19 governing health procedures. Assault on a pregnant individual is a  
20 class D felony.

21 § 3. Paragraph (c) of subdivision 1 of section 70.02 of the penal law,  
22 as amended by chapter 134 of the laws of 2019, is amended to read as  
23 follows:

24 (c) Class D violent felony offenses: an attempt to commit any of the  
25 class C felonies set forth in paragraph (b); reckless assault of a child

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

LBD01535-01-1

1 as defined in section 120.02, assault in the second degree as defined in  
2 section 120.05, assault on a pregnant individual as defined in section  
3 120.05-a, menacing a police officer or peace officer as defined in  
4 section 120.18, stalking in the first degree, as defined in subdivision  
5 one of section 120.60, strangulation in the second degree as defined in  
6 section 121.12, rape in the second degree as defined in section 130.30,  
7 criminal sexual act in the second degree as defined in section 130.45,  
8 sexual abuse in the first degree as defined in section 130.65, course of  
9 sexual conduct against a child in the second degree as defined in  
10 section 130.80, aggravated sexual abuse in the third degree as defined  
11 in section 130.66, facilitating a sex offense with a controlled  
12 substance as defined in section 130.90, labor trafficking as defined in  
13 paragraphs (a) and (b) of subdivision three of section 135.35, criminal  
14 possession of a weapon in the third degree as defined in subdivision  
15 five, six, seven, eight, nine or ten of section 265.02, criminal sale of  
16 a firearm in the third degree as defined in section 265.11, intimidating  
17 a victim or witness in the second degree as defined in section 215.16,  
18 soliciting or providing support for an act of terrorism in the second  
19 degree as defined in section 490.10, and making a terroristic threat as  
20 defined in section 490.20, falsely reporting an incident in the first  
21 degree as defined in section 240.60, placing a false bomb or hazardous  
22 substance in the first degree as defined in section 240.62, placing a  
23 false bomb or hazardous substance in a sports stadium or arena, mass  
24 transportation facility or enclosed shopping mall as defined in section  
25 240.63, aggravated unpermitted use of indoor pyrotechnics in the first  
26 degree as defined in section 405.18, and criminal manufacture, sale, or  
27 transport of an undetectable firearm, rifle or shotgun as defined in  
28 section 265.50.

29 § 4. This act shall take effect immediately.