STATE OF NEW YORK

455

2021-2022 Regular Sessions

IN SENATE

(Prefiled)

January 6, 2021

Introduced by Sens. BIAGGI, GOUNARDES, KAMINSKY, KAPLAN -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the penal law, in relation to establishing the crime of domestic violence

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

Section 1. The penal law is amended by adding a new section 240.78 to read as follows:

§ 240.78 Domestic violence.

1. A person is guilty of domestic violence when he or she commits a specified misdemeanor defined in subdivision three of this section and where there was a specified relationship between the defendant and the person against whom the offense was committed as defined in subdivision two of this section.

2. A "specified relationship" is one where (a) the defendant is a current or former spouse, parent or guardian of the victim; (b) the defendant is a person with whom the victim shares a child in common; (c) the defendant is a person who is cohabitating with or has cohabitated with the victim as a spouse, parent or guardian; or (d) the defendant is a person similarly situated to a spouse, parent or guardian of the victim.

3. A "specified misdemeanor" is an offense defined in section 120.00 (assault in the third degree); section 120.14 (menacing in the second degree); section 121.11 (criminal obstruction of breathing or blood circulation); section 130.52 (forcible touching); or section 240.30 (aggravated harassment in the second degree) of this part.

Domestic violence is a class A misdemeanor.

§ 2. This act shall take effect on the ninetieth day after it shall have become a law.

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

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