STATE OF NEW YORK

6231

2021-2022 Regular Sessions

IN SENATE

April 16, 2021

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

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:

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

Resisting arrest is a class [~~A misdemeanor~~] **E felony**.

§ 2. Paragraph (a) of subdivision 1 of section 150.20 of the criminal procedure law, as amended by section 1-a of part JJJ of chapter 59 of the laws of 2019, is amended to read as follows:

(a) Whenever a police officer is authorized pursuant to section 140.10 of this title to arrest a person without a warrant for an offense other than a class A, B, C or D felony or a violation of section 130.25, 130.40, 205.10, 205.17, 205.19**, 205.30** or 215.56 of the penal law, he shall, except as set out in paragraph (b) of this subdivision, subject to the provisions of subdivisions three and four of section 150.40 of this title, instead issue to and serve upon such person an appearance ticket.

§ 3. This act shall take effect immediately.

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

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