

# STATE OF NEW YORK

948

2021-2022 Regular Sessions

## IN SENATE

(Prefiled)

January 6, 2021

Introduced by Sen. GAUGHRAN -- 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 designating crimes against public protection professionals

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

Section 1. Part 4 of the penal law is amended by adding a new title Y-3 to read as follows:

### TITLE Y-3

### CRIMES AGAINST PUBLIC PROTECTION PROFESSIONALS

### ARTICLE 497

### CRIMES AGAINST PUBLIC PROTECTION PROFESSIONS

### Section 497.00 Definitions.

### 497.05 Crimes against public protection professional.

### 497.10 Sentencing.

### § 497.00 Definitions.

#### As used in this title:

1. "Public protection professional" means an active or former police officer as defined in subdivision thirty-four of section 1.20 of the criminal procedure law, an active or former peace officer as defined in subdivision thirty-three of section 1.20 of the criminal procedure law, an active or former firefighter, an active or former fire marshal, an active or former emergency services personnel both paid and volunteer, an active or former judge as defined in subdivision twenty-three of section 1.20 of the criminal procedure law, an active or former district attorney, an active or former assistant district attorney, an active or former uniformed court officer of the unified court system, an active or former parole officer or warrant officer in the department of corrections, an active or former probation officer, a member of the military or reserves, or a veteran.

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

LBD03767-01-1

1 2. "Firefighter" means a paid or volunteer member of a fire company or  
2 fire corporation.

3 3. "Emergency services personnel" means an individual engaged in  
4 providing emergency medical services and the transportation of sick,  
5 disabled or injured persons to or from facilities offering hospital  
6 services.

7 4. "Member of the military or reserves" means a member of the New York  
8 guard, New York naval militia, the United States army, navy, air force,  
9 marines, coast guard, army national guard, air national guard, and the  
10 reserves thereof.

11 5. "Veteran" means a person who has served in the active military or  
12 naval services of the United States.

13 § 497.05 Crimes against public protection professional.

14 1. A person commits a crime against a public protection professional  
15 when he or she commits a specified offense and intentionally selected  
16 the person against whom the offense is committed or intended to be  
17 committed in whole or substantial part because of an actual or perceived  
18 belief that such person is a public protection professional as defined  
19 in section 497.00 of this article.

20 2. Proof of status as a public protection professional of the victim  
21 does not, by itself, constitute legally sufficient evidence satisfying  
22 the people's burden under this title.

23 3. A "specified offense" for purposes of this title is any offense  
24 contained in this article with the exclusion of those crimes enumerated  
25 in section 120.08, 120.09, 120.11, 120.18 or 125.27 of this chapter.

26 § 497.10 Sentencing.

27 1. When a person is convicted of a crime against a public protection  
28 professional pursuant to this title, and the specified offense is a  
29 violent felony offense, as defined in section 70.02 of this chapter, the  
30 crime against a public protection professional shall be deemed a violent  
31 felony offense.

32 2. When a person is convicted of a crime against a public protection  
33 professional pursuant to this title, and the specified offense is a  
34 misdemeanor or a class C, D, or E felony, the crime against a public  
35 protection professional shall be deemed to be one category higher than  
36 the specified offense the defendant committed, or one category higher  
37 than the offense level applicable to the defendant's conviction for an  
38 attempt or conspiracy to commit a specified offense, whichever is appli-  
39 cable.

40 3. Notwithstanding any other provision of law, when a person is  
41 convicted of a crime against a public protection professional pursuant  
42 to this title and the specified offense is a class B felony:

43 a. The maximum term of the indeterminate sentence must be at least six  
44 years if the defendant is sentenced pursuant to section 70.00 of this  
45 chapter;

46 b. The term of the determinate sentence must be at least eight years  
47 if the defendant is sentenced pursuant to section 70.02 of this chapter;

48 c. The term of the determinate sentence must be at least twelve years  
49 if the defendant is sentenced pursuant to section 70.04 of this chapter;

50 d. The maximum term of the indeterminate sentence must be at least  
51 four years if the defendant is sentenced pursuant to section 70.05 of  
52 this chapter; and

53 e. The maximum term of the indeterminate sentence or the term of the  
54 determinate sentence must be at least ten years if the defendant is  
55 sentenced pursuant to section 70.06 of this chapter.

1     4. Notwithstanding any other provision of law, when a person is  
2     convicted of a crime against a public protection professional pursuant  
3     to this title and the specified offense is a class A-I felony, the mini-  
4     imum period of the indeterminate sentence shall be not less than twenty  
5     years.

6     § 2. This act shall take effect immediately and shall apply to crimes  
7     committed on or after such effective date.