STATE OF NEW YORK

3304

2023-2024 Regular Sessions

IN ASSEMBLY

February 2, 2023

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

AN ACT to amend the penal law, in relation to enacting the "Lieutenant Alison Russo-Elling crimes against public protection professionals act"

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

LIEUTENANT ALISON RUSSO-ELLING CRIMES AGAINST PUBLIC PROTECTION PROFESSIONALS ACT

Section 497.00 Short title.
497.05 Definitions.
497.10 Crimes against public protection professional.
497.15 Sentencing.

§ 497.00 Short title.

This act shall be known and may be cited as the "Lieutenant Alison Russo-Elling crimes against public protection professionals act".

§ 497.05 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

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

LBD02374-02-3

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.

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

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

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

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

§ 497.10 Crimes against public protection professional.

1. A person commits a crime against a public protection professional when he or she commits a specified offense and intentionally selected the person against whom the offense is committed or intended to be committed in whole or substantial part because of an actual or perceived belief that such person is a public protection professional as defined in section 497.05 of this article.

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

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

§ 497.15 Sentencing.

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

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

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

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

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

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

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

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

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

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