STATE OF NEW YORK

3272

2023-2024 Regular Sessions

IN ASSEMBLY

February 2, 2023

Introduced by M. of A. McMAHON, BURKE, CONRAD, WALLACE -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to elevating the level of assault against domestic violence victims to assault in the second degree

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

Section 1. Subdivision 14 of section 120.05 of the penal law, as added by chapter 268 of the laws of 2016, is amended and a new subdivision 15 is added to read as follows:

14. With intent to prevent or obstruct a process server, as defined in section eighty-nine-t of the general business law, from performing a lawful duty pursuant to article three of the civil practice law and rules, or intentionally, as retaliation against such a process server for the performance of the process server's duties pursuant to such article, including by means of releasing or failing to control an animal evincing the actor's intent that the animal prevent or obstruct the lawful duty of the process server or as retaliation against the process server, he or she causes physical injury to such process server[~~.~~]**; or**

15. With intent to cause physical injury to a person with whom he or she is married, was married, was in an intimate relationship, or is in an intimate relationship, he or she causes such injury to such person. Factors that may be considered by the court in determining whether a relationship is an "intimate relationship" under this subdivision shall include, but not be limited to: the nature or type of relationship, regardless of whether the relationship is sexual in nature or whether such persons have lived together at any time; the frequency of interaction between the persons; and the duration of the relationship. Neither a casual acquaintance nor ordinary fraternization between two individuals in business or social contexts shall be deemed to constitute an "intimate relationship" under this subdivision.

§ 2. This act shall take effect on the first of November next succeeding the date on which 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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