

STATE OF NEW YORK

5889

2023-2024 Regular Sessions

IN ASSEMBLY

March 24, 2023

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

AN ACT to amend the penal law, in relation to categorizing the assault of a code enforcement official or other individual responsible for building inspection as a class D felony

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

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

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

13 15. With intent to cause physical injury, he or she causes such phys-
14 ical injury to a code enforcement official certified pursuant to section
15 three hundred seventy-six-a of the executive law, or any other individ-
16 ual whose duties include the inspection of buildings or property for
17 compliance with the New York state uniform fire prevention and building
18 code, the residential code of New York state, the New York property
19 maintenance code, the multiple residence law, and/or any other state or
20 local codes, laws, rules and/or regulations relating to building and
21 property safety, while such code enforcement official or other individ-
22 ual is performing his or her lawful duties under such position.

23 § 2. This act shall take effect on the first of November next succeed-
24 ing 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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