STATE OF NEW YORK

4546

2025-2026 Regular Sessions

IN ASSEMBLY

February 4, 2025

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

AN ACT to amend the penal law, in relation to the crime of resisting arrest

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

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

§ 205.30 Resisting arrest **in the second degree**.

A person is guilty of resisting arrest **in the second degree** when [~~he~~] **such person** intentionally prevents or attempts to prevent a police officer or peace officer from effecting an authorized arrest of [~~himself~~] **themself** or another person.

Resisting arrest **in the second degree** is a class A misdemeanor.

§ 2. The penal law is amended by adding a new section 205.35 to read as follows:

§ 205.35 Resisting arrest in the first degree.

A person is guilty of resisting arrest in the first degree when such person commits the crime of resisting arrest in the second degree as defined in section 205.30 of this article and has been previously convicted within the preceding five years of resisting arrest in the second degree as defined in section 205.30 of this article.

Resisting arrest in the first degree is a class E felony.

§ 3. This act shall take effect sixty days after 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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