

STATE OF NEW YORK

857

2025-2026 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 8, 2025

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

AN ACT to amend the penal law, in relation to establishing the crime of assault of a protester in the first, second, and third degrees

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

1 Section 1. The penal law is amended by adding a new section 120.80 to
2 read as follows:

3 § 120.80 Assault of a protester in the third degree.

4 A person is guilty of assault of a protester in the third degree when,
5 with intent to cause physical injury to another person who is engaged in
6 protest activities, such person causes such injury to such other person
7 or to a third person.

8 For the purposes of this section, "protest activities" shall mean
9 peaceful picketing or other peaceful demonstration, protected from legal
10 prohibition by the federal and state constitutions.

11 Assault of a protester in the third degree is a class E felony.

12 § 2. The penal law is amended by adding a new section 120.85 to read
13 as follows:

14 § 120.85 Assault of a protester in the second degree.

15 A person is guilty of assault of a protester in the second degree
16 when:

17 1. With intent to cause serious physical injury to another person who
18 is engaged in protest activities, such person causes such injury to such
19 other person or to a third person; or

20 2. With intent to cause physical injury to another person who is
21 engaged in protest activities, such person causes such injury to such
22 other person or to a third person by means of a deadly weapon or a
23 dangerous instrument.

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

LBD02757-01-5

1 For the purposes of this section, "protest activities" shall mean
2 peaceful picketing or other peaceful demonstration, protected from legal
3 prohibition by the federal and state constitutions.

4 Assault of a protester in the second degree is a class C felony.

5 § 3. The penal law is amended by adding a new section 120.90 to read
6 as follows:

7 § 120.90 Assault of a protester in the first degree.

8 A person is guilty of assault of a protester in the first degree when,
9 with intent to cause serious physical injury to another person who is
10 engaged in protest activities, such person causes such injury to such
11 other person or to a third person by means of a deadly weapon or a
12 dangerous instrument.

13 For the purposes of this section, "protest activities" shall mean
14 peaceful picketing or other peaceful demonstration, protected from legal
15 prohibition by the federal and state constitutions.

16 Assault of a protester in the first degree is a class B felony.

17 § 4. The opening paragraph of subdivision 1 of section 70.25 of the
18 penal law, as amended by chapter 372 of the laws of 1981, is amended and
19 a new subdivision 6 is added to read as follows:

20 Except as provided in subdivisions two, two-a [~~and~~], five, and six of
21 this section, when multiple sentences of imprisonment are imposed on a
22 person at the same time, or when a person who is subject to any undisc-
23 charged term of imprisonment imposed at a previous time by a court of
24 this state is sentenced to an additional term of imprisonment, the
25 sentence or sentences imposed by the court shall run either concurrently
26 or consecutively with respect to each other and the undischarged term or
27 terms in such manner as the court directs at the time of sentence. If
28 the court does not specify the manner in which a sentence imposed by it
29 is to run, the sentence shall run as follows:

30 6. When a person is convicted of assault of a protester in the first
31 degree, as defined in section 120.90 of this chapter, any term of impri-
32 sonment which may be imposed as a sentence upon such conviction shall
33 run consecutively to any undischarged term of imprisonment to which the
34 defendant was subject and for which such defendant was confined at the
35 time of the assault.

36 § 5. Paragraphs (a) and (b) of subdivision 1 of section 70.02 of the
37 penal law, paragraph (a) as amended by chapter 23 of the laws of 2024
38 and paragraph (b) as amended by chapter 94 of the laws of 2020, are
39 amended to read as follows:

40 (a) Class B violent felony offenses: an attempt to commit the class
41 A-I felonies of murder in the second degree as defined in section
42 125.25, kidnapping in the first degree as defined in section 135.25, and
43 arson in the first degree as defined in section 150.20; manslaughter in
44 the first degree as defined in section 125.20, aggravated manslaughter
45 in the first degree as defined in section 125.22, rape in the first
46 degree as defined in section 130.35, a crime formerly defined in section
47 130.50, aggravated sexual abuse in the first degree as defined in
48 section 130.70, course of sexual conduct against a child in the first
49 degree as defined in section 130.75, assault in the first degree as
50 defined in section 120.10, kidnapping in the second degree as defined in
51 section 135.20, burglary in the first degree as defined in section
52 140.30, arson in the second degree as defined in section 150.15, robbery
53 in the first degree as defined in section 160.15, sex trafficking as
54 defined in paragraphs (a) and (b) of subdivision five of section 230.34,
55 sex trafficking of a child as defined in section 230.34-a, incest in the
56 first degree as defined in section 255.27, criminal possession of a

1 weapon in the first degree as defined in section 265.04, criminal use of
2 a firearm in the first degree as defined in section 265.09, criminal
3 sale of a firearm in the first degree as defined in section 265.13,
4 aggravated assault upon a police officer or a peace officer as defined
5 in section 120.11, gang assault in the first degree as defined in
6 section 120.07, assault of a protester in the first degree as defined in
7 section 120.90, intimidating a victim or witness in the first degree as
8 defined in section 215.17, hindering prosecution of terrorism in the
9 first degree as defined in section 490.35, criminal possession of a
10 chemical weapon or biological weapon in the second degree as defined in
11 section 490.40, and criminal use of a chemical weapon or biological
12 weapon in the third degree as defined in section 490.47.

13 (b) Class C violent felony offenses: an attempt to commit any of the
14 class B felonies set forth in paragraph (a) of this subdivision; aggra-
15 vated criminally negligent homicide as defined in section 125.11, aggra-
16 vated manslaughter in the second degree as defined in section 125.21,
17 aggravated sexual abuse in the second degree as defined in section
18 130.67, assault on a peace officer, police officer, firefighter or emer-
19 gency medical services professional as defined in section 120.08,
20 assault on a judge as defined in section 120.09, gang assault in the
21 second degree as defined in section 120.06, assault of a protester in
22 the second degree as defined in section 120.85, strangulation in the
23 first degree as defined in section 121.13, aggravated strangulation as
24 defined in section 121.13-a, burglary in the second degree as defined in
25 section 140.25, robbery in the second degree as defined in section
26 160.10, criminal possession of a weapon in the second degree as defined
27 in section 265.03, criminal use of a firearm in the second degree as
28 defined in section 265.08, criminal sale of a firearm in the second
29 degree as defined in section 265.12, criminal sale of a firearm with the
30 aid of a minor as defined in section 265.14, aggravated criminal
31 possession of a weapon as defined in section 265.19, soliciting or
32 providing support for an act of terrorism in the first degree as defined
33 in section 490.15, hindering prosecution of terrorism in the second
34 degree as defined in section 490.30, and criminal possession of a chemi-
35 cal weapon or biological weapon in the third degree as defined in
36 section 490.37.

37 § 6. This act shall take effect on the first of November next succeed-
38 ing the date on which it shall have become a law.