

STATE OF NEW YORK

2198

2025-2026 Regular Sessions

IN ASSEMBLY

January 15, 2025

Introduced by M. of A. MANKTELOW, ANGELINO, BRABENEC, BLANKENBUSH, BARCLAY, COOK, DURSO, DeSTEFANO, DiPIETRO, HAWLEY, FRIEND, MORINELLO, MIKULIN, McDONOUGH, MILLER, PALMESANO, REILLY, SMULLEN, TANNOUSIS, WALSH -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to establishing the crime of assault on a pregnant person

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

1 Section 1. Short title. This act shall be known and may be cited as
2 the "Liv Act".

3 § 2. The penal law is amended by adding a new section 120.05-a to read
4 as follows:

5 § 120.05-a Assault on a pregnant person in the second degree.

6 An individual is guilty of assault on a pregnant person in the second
7 degree when such individual intentionally causes injury to a person such
8 individual knows or has reason to know is pregnant or causes injury to
9 such person's unborn child.

10 1. For the purposes of this section, "injury" includes bodily injury
11 to a pregnant person's unborn child.

12 2. This section shall not apply to acts committed by:

13 a. a pregnant person or any person providing treatment relating to an
14 abortion for which the consent of the pregnant person, or a person
15 authorized by law to act on behalf of the pregnant person, has been
16 obtained or for which such consent is implied by law; or

17 b. any person providing any medical treatment of a pregnant person.

18 3. This section shall be construed and applied consistent with article
19 twenty-five of the public health law and applicable laws and regulations
20 governing health procedures.

21 Assault on a pregnant person in the second degree is a class D felony.

22 § 3. The penal law is amended by adding a new section 120.10-a to read
23 as follows:

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

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1 § 120.10-a Assault on a pregnant person in the first degree.

2 An individual is guilty of assault on a pregnant person in the first
3 degree when such individual intentionally causes serious injury to a
4 person that such individual knows or has reason to know is pregnant or
5 causes the death of such person's unborn child.

6 1. This section shall not apply to acts committed by:

7 a. a pregnant person or any person providing treatment relating to an
8 abortion for which the consent of the pregnant person, or a person
9 authorized by law to act on behalf of the pregnant person, has been
10 obtained or for which such consent is implied by law; or

11 b. any person providing any medical treatment of a pregnant person.

12 2. This section shall be construed and applied consistent with article
13 twenty-five of the public health law and applicable laws and regulations
14 governing health procedures.

15 Assault on a pregnant person in the first degree is a class C felony.

16 § 4. Paragraphs (b) and (c) of subdivision 1 of section 70.02 of the
17 penal law, paragraph (b) as amended by chapter 94 of the laws of 2020
18 and paragraph (c) as amended by chapter 23 of the laws of 2024, are
19 amended to read as follows:

20 (b) Class C violent felony offenses: an attempt to commit any of the
21 class B felonies set forth in paragraph (a) of this subdivision; aggra-
22 vated criminally negligent homicide as defined in section 125.11, aggra-
23 vated manslaughter in the second degree as defined in section 125.21,
24 aggravated sexual abuse in the second degree as defined in section
25 130.67, assault on a peace officer, police officer, firefighter or emer-
26 gency medical services professional as defined in section 120.08,
27 assault on a judge as defined in section 120.09, assault on a pregnant
28 person in the first degree as defined in section 120.10-a, gang assault
29 in the second degree as defined in section 120.06, strangulation in the
30 first degree as defined in section 121.13, aggravated strangulation as
31 defined in section 121.13-a, burglary in the second degree as defined in
32 section 140.25, robbery in the second degree as defined in section
33 160.10, criminal possession of a weapon in the second degree as defined
34 in section 265.03, criminal use of a firearm in the second degree as
35 defined in section 265.08, criminal sale of a firearm in the second
36 degree as defined in section 265.12, criminal sale of a firearm with the
37 aid of a minor as defined in section 265.14, aggravated criminal
38 possession of a weapon as defined in section 265.19, soliciting or
39 providing support for an act of terrorism in the first degree as defined
40 in section 490.15, hindering prosecution of terrorism in the second
41 degree as defined in section 490.30, and criminal possession of a chemi-
42 cal weapon or biological weapon in the third degree as defined in
43 section 490.37 of this chapter.

44 (c) Class D violent felony offenses: an attempt to commit any of the
45 class C felonies set forth in paragraph (b); reckless assault of a child
46 as defined in section 120.02, assault in the second degree as defined in
47 section 120.05, assault on a pregnant person in the second degree as
48 defined in section 120.05-a, menacing a police officer or peace officer
49 as defined in section 120.18, stalking in the first degree[~~r~~] as defined
50 in subdivision one of section 120.60, strangulation in the second degree
51 as defined in section 121.12, rape in the second degree as defined in
52 section 130.30, a crime formerly defined in section 130.45, sexual abuse
53 in the first degree as defined in section 130.65, course of sexual
54 conduct against a child in the second degree as defined in section
55 130.80, aggravated sexual abuse in the third degree as defined in
56 section 130.66, facilitating a sex offense with a controlled substance

1 as defined in section 130.90, labor trafficking as defined in paragraphs
2 (a) and (b) of subdivision three of section 135.35, criminal possession
3 of a weapon in the third degree as defined in subdivision five, six,
4 seven, eight, nine or ten of section 265.02, criminal sale of a firearm
5 in the third degree as defined in section 265.11, intimidating a victim
6 or witness in the second degree as defined in section 215.16, soliciting
7 or providing support for an act of terrorism in the second degree as
8 defined in section 490.10, [~~and~~] making a terroristic threat as defined
9 in section 490.20, falsely reporting an incident in the first degree as
10 defined in section 240.60, placing a false bomb or hazardous substance
11 in the first degree as defined in section 240.62, placing a false bomb
12 or hazardous substance in a sports stadium or arena, mass transportation
13 facility or enclosed shopping mall as defined in section 240.63, aggra-
14 vated unpermitted use of indoor pyrotechnics in the first degree as
15 defined in section 405.18, and criminal manufacture, sale, or transport
16 of an undetectable firearm, rifle or shotgun as defined in section
17 265.50 of this chapter.

18 § 5. This act shall take effect immediately.