

# STATE OF NEW YORK

4176

2025-2026 Regular Sessions

## IN ASSEMBLY

January 31, 2025

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

AN ACT to amend the penal law, in relation to enacting the "Lieutenant Alison Russo-Elling crimes against public protection professionals act"

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

1 Section 1. Part 4 of the penal law is amended by adding a new title  
2 Y-3 to read as follows:

3 TITLE Y-3

4 CRIMES AGAINST PUBLIC PROTECTION PROFESSIONALS

5 ARTICLE 497

6 LIEUTENANT ALISON RUSSO-ELLING CRIMES AGAINST PUBLIC PROTECTION  
7 PROFESSIONALS ACT

8 Section 497.00 Short title.

9 497.05 Definitions.

10 497.10 Crimes against public protection professional.

11 497.15 Sentencing.

12 § 497.00 Short title.

13 This act shall be known and may be cited as the "Lieutenant Alison  
14 Russo-Elling crimes against public protection professionals act".

15 § 497.05 Definitions.

16 As used in this title:

17 1. "Public protection professional" means an active or former police  
18 officer as defined in subdivision thirty-four of section 1.20 of the  
19 criminal procedure law, an active or former peace officer as defined in  
20 subdivision thirty-three of section 1.20 of the criminal procedure law,  
21 an active or former firefighter, an active or former fire marshal, an  
22 active or former emergency services personnel both paid and volunteer,  
23 an active or former judge as defined in subdivision twenty-three of  
24 section 1.20 of the criminal procedure law, an active or former district

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

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1 attorney, an active or former assistant district attorney, an active or  
2 former uniformed court officer of the unified court system, an active or  
3 former parole officer or warrant officer in the department of  
4 corrections, an active or former probation officer, a member of the  
5 military or reserves, or a veteran.

6 2. "Firefighter" means a paid or volunteer member of a fire company or  
7 fire corporation.

8 3. "Emergency services personnel" means an individual engaged in  
9 providing emergency medical services and the transportation of sick,  
10 disabled or injured persons to or from facilities offering hospital  
11 services.

12 4. "Member of the military or reserves" means a member of the New York  
13 guard, New York naval militia, the United States army, navy, air force,  
14 marines, coast guard, army national guard, air national guard, and the  
15 reserves thereof.

16 5. "Veteran" means a person who has served in the active military or  
17 naval services of the United States.

18 § 497.10 Crimes against public protection professional.

19 1. A person commits a crime against a public protection professional  
20 when such person commits a specified offense and intentionally selected  
21 the person against whom the offense is committed or intended to be  
22 committed in whole or substantial part because of an actual or perceived  
23 belief that such person is a public protection professional as defined  
24 in section 497.05 of this article.

25 2. Proof of status as a public protection professional of the victim  
26 does not, by itself, constitute legally sufficient evidence satisfying  
27 the people's burden under this title.

28 3. A "specified offense" for purposes of this title is any offense  
29 contained in this article with the exclusion of those crimes enumerated  
30 in section 120.08, 120.09, 120.11, 120.18 or 125.27 of this chapter.

31 § 497.15 Sentencing.

32 1. When a person is convicted of a crime against a public protection  
33 professional pursuant to this title, and the specified offense is a  
34 violent felony offense, as defined in section 70.02 of this chapter, the  
35 crime against a public protection professional shall be deemed a violent  
36 felony offense.

37 2. When a person is convicted of a crime against a public protection  
38 professional pursuant to this title, and the specified offense is a  
39 misdemeanor or a class C, D, or E felony, the crime against a public  
40 protection professional shall be deemed to be one category higher than  
41 the specified offense the defendant committed, or one category higher  
42 than the offense level applicable to the defendant's conviction for an  
43 attempt or conspiracy to commit a specified offense, whichever is appli-  
44 cable.

45 3. Notwithstanding any other provision of law, when a person is  
46 convicted of a crime against a public protection professional pursuant  
47 to this title and the specified offense is a class B felony:

48 a. The maximum term of the indeterminate sentence must be at least six  
49 years if the defendant is sentenced pursuant to section 70.00 of this  
50 chapter;

51 b. The term of the determinate sentence must be at least eight years  
52 if the defendant is sentenced pursuant to section 70.02 of this chapter;

53 c. The term of the determinate sentence must be at least twelve years  
54 if the defendant is sentenced pursuant to section 70.04 of this chapter;

1 d. The maximum term of the indeterminate sentence must be at least  
2 four years if the defendant is sentenced pursuant to section 70.05 of  
3 this chapter; and

4 e. The maximum term of the indeterminate sentence or the term of the  
5 determinate sentence must be at least ten years if the defendant is  
6 sentenced pursuant to section 70.06 of this chapter.

7 4. Notwithstanding any other provision of law, when a person is  
8 convicted of a crime against a public protection professional pursuant  
9 to this title and the specified offense is a class A-I felony, the mini-  
10 mum period of the indeterminate sentence shall be not less than twenty  
11 years.

12 § 2. This act shall take effect immediately and shall apply to crimes  
13 committed on or after such effective date.