

# 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.

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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.