

STATE OF NEW YORK

4624

2025-2026 Regular Sessions

IN SENATE

February 10, 2025

Introduced by Sen. WEIK -- read twice and ordered printed, and when printed to be committed to the Committee on Women's Issues

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

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

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

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

4 § 120.05-a Assault on a pregnant individual.

5 A person is guilty of assault on a pregnant individual when such
6 person intentionally or knowingly causes injury to an individual such
7 person knows or has reason to know is pregnant.

8 1. For the purposes of this section, "injury" includes bodily injury
9 that results in the termination of a pregnancy.

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

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

15 b. any person providing any medical treatment of a pregnant individ-
16 ual.

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

20 Assault on a pregnant individual is a class D felony.

21 § 3. Paragraph (c) of subdivision 1 of section 70.02 of the penal law,
22 as amended by chapter 23 of the laws of 2024, is amended to read as
23 follows:

24 (c) Class D violent felony offenses: an attempt to commit any of the
25 class C felonies set forth in paragraph (b); reckless assault of a child

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

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1 as defined in section 120.02, assault in the second degree as defined in
2 section 120.05, assault on a pregnant individual as defined in section
3 120.05-a, menacing a police officer or peace officer as defined in
4 section 120.18, stalking in the first degree, as defined in subdivision
5 one of section 120.60, strangulation in the second degree as defined in
6 section 121.12, rape in the second degree as defined in section 130.30,
7 a crime formerly defined in section 130.45, sexual abuse in the first
8 degree as defined in section 130.65, course of sexual conduct against a
9 child in the second degree as defined in section 130.80, aggravated
10 sexual abuse in the third degree as defined in section 130.66, facili-
11 tating a sex offense with a controlled substance as defined in section
12 130.90, labor trafficking as defined in paragraphs (a) and (b) of subdi-
13 vision three of section 135.35, criminal possession of a weapon in the
14 third degree as defined in subdivision five, six, seven, eight, nine or
15 ten of section 265.02, criminal sale of a firearm in the third degree as
16 defined in section 265.11, intimidating a victim or witness in the
17 second degree as defined in section 215.16, soliciting or providing
18 support for an act of terrorism in the second degree as defined in
19 section 490.10, and making a terroristic threat as defined in section
20 490.20, falsely reporting an incident in the first degree as defined in
21 section 240.60, placing a false bomb or hazardous substance in the first
22 degree as defined in section 240.62, placing a false bomb or hazardous
23 substance in a sports stadium or arena, mass transportation facility or
24 enclosed shopping mall as defined in section 240.63, aggravated unper-
25 mitted use of indoor pyrotechnics in the first degree as defined in
26 section 405.18, and criminal manufacture, sale, or transport of an unde-
27 tectable firearm, rifle or shotgun as defined in section 265.50.
28 § 4. This act shall take effect immediately.