

AGGRAVATED ASSAULT ON A JUDGE
PENAL LAW 120.09-a
(Committed on or after July 19, 2024)

The (specify) count is Aggravated Assault on a Judge.

Under our law, a person is guilty of Aggravated Assault on a Judge when, with intent to cause serious physical injury and prevent a judge from performing official judicial duties, he or she causes serious physical injury to such judge.

The following terms used in that definition have a special meaning: ¹

JUDGE means a judge of a court of record or a justice court.² The (specify name of court) is (specify either: court of record or justice court).

INTENT means conscious objective or purpose. Thus, a person acts with intent to cause serious physical injury and prevent a judge from performing official judicial duties when that person's conscious objective or purpose is to cause serious physical injury to such judge and prevent such judge from

¹ The term “official judicial duties” is not defined. If in issue, the term will need to be defined within the context of the facts presented. See *People v McDonald*, 291 AD2d 832 (4th Dept 2002); *People v Milhouse*, 246 AD2d 119 (1st Dept 1998); *People v Greene*, 221 AD2d 559 (2d Dept 1995).

² The statute specifies that the term “judge” shall mean a judge of a court of record or a justice court.” “Courts of record” are defined by Judiciary Law § 2 to be: the court for the trial of impeachments; a court on the judiciary; the court of appeals; the appellate division of the supreme court in each department; the supreme court; the court of claims; a county court in each county; the family court; a surrogate's court in each county; each city court outside the city of New York; the district court in each county or portion thereof in which such court shall be established; the civil court of the city of New York and the criminal court of the city of New York. Although not a court of record, a justice court (a judge of which is here included) is a town or village court. UJCA §§ 102 and 103.

performing official judicial duties.³

SERIOUS PHYSICAL INJURY means impairment of a person's physical condition which creates a substantial risk of death, or which causes death, or serious and protracted disfigurement, or protracted impairment of health or protracted loss or impairment of the function of any bodily organ.⁴

In order for you to find the defendant guilty of this crime, the People are required to prove, from all the evidence in the case, beyond a reasonable doubt, each of the following three elements:

1. That on or about (date), (specify) was a judge;
2. That on or about that date in the County of (County), the defendant, (defendant's name) caused serious physical injury to (specify name of judge), and
3. That he/she did so with intent to cause serious physical injury and with intent to prevent (specify name of judge) from performing official judicial duties.

If you find the People have proven beyond a reasonable doubt each of those elements, you must find the defendant guilty of this crime.

If you find the People have not proven beyond a reasonable doubt any one or more of those elements, you must find the defendant not guilty of this crime.

³ See Penal Law § 15.05 (1).

⁴ See Penal Law § 10.00 (10).