



NEW YORK STATE SENATOR

Catharine Young

Stricter Penalties For Those Who Impair The Proceedings of the Legal System Established Under New Law by Senator Young

CATHARINE YOUNG September 12, 2016

| ISSUE: **COURTS, CRIMINAL JUSTICE, CRIME AND CORRECTION**

ALBANY – Process servers, whose jobs place them at risk from those wishing to avoid legal proceedings, received stronger protections thanks to a new law sponsored by Senator Catharine Young (R,C,I- 57th District).

Senator Young's bill, which has now been signed into law by Governor Cuomo, elevates assaults on process servers from a misdemeanor to a D felony.

"Process servers play an important role in our justice system. It is reprehensible that someone would intentionally injure a process server simply for conducting the business of the courts and citizens of New York State," said Senator Young.

In a 2013 case, a process server on Staten Island who was delivering legal papers was threatened with a loaded shotgun during an incident. The victim was delivering civil court papers when the assailant brandished the shotgun, pointing it at the process servers face. During another incident the same year, a process server in Kenmore fell down a flight of stairs after a dog was released on him while he was delivering court papers.

A New Rochelle process server was threatened by two men in 2011 while delivering papers to a home. After knocking on the door, and stating the reason for his visit, he was confronted by a person carrying a metal pipe. While explaining the reason for his visit to the first individual, another man came to the door and pointed a pistol at the processor, threatening to shoot and kill him if he did not leave the property.

“Unfortunately, incidents of process servers being physically assaulted have been on the rise in recent years. This new protection will elevate the repercussions for those who harm process servers, keeping them safer while they perform their duties. I thank my colleagues in the Legislature and Governor Cuomo for supporting this important new public protection measure,” Senator Young said.

Bruce Kenney, past president of the New York State Professional Process Servers Association (NYSPPSA) applauded the new law, saying “When, as President of NYSPPSA, I became aware of the rise in assaults on process servers, I approached Senator Young with a proposal for amending the penal code of New York to make those assaults subject to harsher penalties. Within a very short period, the Senator had the bill introduced on the floor of the Senate. Thanks to her efforts, this bill is finally law. Although we hope this law never has to be used, we are confident that the safety of process servers has been substantially improved with the passage of this bill. Process servers are proud that the name of our profession comes directly from the due process clause of the U.S. Constitution and we are equally proud that we play such an important part in guaranteeing the right to Due Process of every citizen of the United States. It has been a pleasure working with Senator Young on this important piece of legislation.”

New York State joins California, Florida and Illinois in providing extra protection for process servers while they are on the job.

2015-S2991A

- Introduced
- - In Committee Assembly
 - In Committee Senate
- - On Floor Calendar Assembly
 - On Floor Calendar Senate
- - Passed Assembly
 - Passed Senate
- Delivered to Governor
- Signed By Governor
-

Includes within the class D felony of assault in the second degree, the intentional causing of physical injury to a process server to obstruct the server's duty

February 02, 2015

Signed by Governor

Sponsored by Catharine Young

Do you support this bill?

NAY