

4394--A

2009-2010 Regular Sessions

I N S E N A T E

April 22, 2009

Introduced by Sen. SCHNEIDERMAN -- read twice and ordered printed, and when printed to be committed to the Committee on Codes -- recommitted to the Committee on Codes in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the penal law, in relation to assaulting a New York city sanitation worker

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Section 120.08 of the penal law, as added by chapter 632 of
2 the laws of 1996, is amended to read as follows:
3 S 120.08 Assault on a peace officer, police officer, fireman [or], emer-
4 gency medical services professional OR NEW YORK CITY SANITA-
5 TION WORKER.
6 A person is guilty of assault on a peace officer, police officer,
7 fireman [or], emergency medical services professional OR NEW YORK CITY
8 SANITATION WORKER when, with intent to prevent a peace officer, police
9 officer, a fireman, including a fireman acting as a paramedic or emer-
10 gency medical technician administering first aid in the course of
11 performance of duty as such fireman, [or] an emergency medical service
12 paramedic or emergency medical service technician, OR NEW YORK CITY
13 SANITATION WORKER from performing a lawful duty, he causes serious phys-
14 ical injury to such peace officer, police officer, fireman, paramedic
15 [or], technician, OR NEW YORK CITY SANITATION WORKER.
16 Assault on a peace officer, police officer, fireman [or], emergency
17 medical services professional OR A NEW YORK CITY SANITATION WORKER is a
18 class C felony.
19 S 2. Subdivision 3 of section 120.05 of the penal law, as amended by
20 chapter 45 of the laws of 2008, is amended to read as follows:
21 3. With intent to prevent a peace officer, a police officer, a fire-
22 fighter, including a firefighter acting as a paramedic or emergency

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

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1 medical technician administering first aid in the course of performance
2 of duty as such firefighter, an emergency medical service paramedic or
3 emergency medical service technician, or medical or related personnel in
4 a hospital emergency department, a city marshal, a traffic enforcement
5 officer [or], traffic enforcement agent OR NEW YORK CITY SANITATION
6 WORKER, from performing a lawful duty, by means including releasing or
7 failing to control an animal under circumstances evincing the actor's
8 intent that the animal obstruct the lawful activity of such peace offi-
9 cer, police officer, firefighter, paramedic, technician, city marshal,
10 traffic enforcement officer [or], traffic enforcement agent OR NEW YORK
11 CITY SANITATION WORKER, he or she causes physical injury to such peace
12 officer, police officer, firefighter, paramedic, technician or medical
13 or related personnel in a hospital emergency department, city marshal,
14 traffic enforcement officer [or], traffic enforcement agent OR NEW YORK
15 CITY SANITATION WORKER; or

16 S 3. Paragraph (b) of subdivision 1 of section 70.02 of the penal law,
17 as separately amended by chapters 764 and 765 of the laws of 2005, is
18 amended to read as follows:

19 (b) Class C violent felony offenses: an attempt to commit any of the
20 class B felonies set forth in paragraph (a); aggravated criminally
21 negligent homicide as defined in section 125.11, aggravated manslaughter
22 in the second degree as defined in section 125.21, aggravated sexual
23 abuse in the second degree as defined in section 130.67, assault on a
24 peace officer, police officer, fireman [or], emergency medical services
25 professional OR NEW YORK CITY SANITATION WORKER as defined in section
26 120.08, gang assault in the second degree as defined in section 120.06,
27 burglary in the second degree as defined in section 140.25, robbery in
28 the second degree as defined in section 160.10, criminal possession of a
29 weapon in the second degree as defined in section 265.03, criminal use
30 of a firearm in the second degree as defined in section 265.08, criminal
31 sale of a firearm in the second degree as defined in section 265.12,
32 criminal sale of a firearm with the aid of a minor as defined in section
33 265.14, soliciting or providing support for an act of terrorism in the
34 first degree as defined in section 490.15, hindering prosecution of
35 terrorism in the second degree as defined in section 490.30, and crimi-
36 nal possession of a chemical weapon or biological weapon in the third
37 degree as defined in section 490.37.

38 S 4. This act shall take effect on the ninetieth day after it shall
39 have become a law.