

4672--C

2011-2012 Regular Sessions

I N A S S E M B L Y

February 4, 2011

Introduced by M. of A. P. RIVERA, PERRY, STEVENSON, N. RIVERA, JEFFRIES, CASTRO, HEASTIE, COLTON, MENG, GUNTHER, LANCMAN, LAVINE, RODRIGUEZ, SKARTADOS, SCHIMMINGER, COOK, CLARK, HOOPER, ROBERTS, ORTIZ, BARRETT -- Multi-Sponsored by -- M. of A. ARROYO, BURLING, CALHOUN, CERETTO, CRESPO, DenDEKKER, DUPREY, FINCH, GIBSON, GOODELL, GOTTFRIED, GRAF, JACOBS, P. LOPEZ, LOSQUADRO, MAGEE, MALLIOTAKIS, McDONOUGH, McENENY, McKEVITT, MILLMAN, MONTESANO, RA, ROBINSON, SALADINO, SAYWARD, SCARBOROUGH, SIMANOWITZ, SWEENEY, TENNEY, TITONE, TITUS, WEISENBERG -- read once and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Codes in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the penal law, in relation to protecting employees of local social services districts from assault

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

1 Section 1. Section 120.05 of the penal law is amended by adding two
2 new subdivisions 3-a and 11-a to read as follows:
3 3-A. WITH INTENT TO PREVENT AN EMPLOYEE OF A LOCAL SOCIAL SERVICES
4 DISTRICT DIRECTLY INVOLVED IN INVESTIGATION OF OR RESPONSE TO ALLEGED
5 ABUSE OR NEGLECT OF A CHILD, A VULNERABLE ELDERLY PERSON OR AN INCOMPE-
6 TENT OR PHYSICALLY DISABLED PERSON, FROM PERFORMING SUCH INVESTIGATION
7 OR RESPONSE, THE ACTOR, NOT BEING SUCH CHILD, VULNERABLE ELDERLY PERSON
8 OR INCOMPETENT OR PHYSICALLY DISABLED PERSON, CAUSES PHYSICAL INJURY TO
9 SUCH EMPLOYEE INCLUDING BY MEANS OF RELEASING OR FAILING TO CONTROL AN
10 ANIMAL UNDER CIRCUMSTANCES EVINCING THE ACTOR'S INTENT THAT THE ANIMAL
11 OBSTRUCT THE LAWFUL ACTIVITIES OF SUCH EMPLOYEE; OR

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

LBD00451-10-2

1 11-A. WITH INTENT TO CAUSE PHYSICAL INJURY TO AN EMPLOYEE OF A LOCAL
2 SOCIAL SERVICES DISTRICT DIRECTLY INVOLVED IN INVESTIGATION OF OR
3 RESPONSE TO ALLEGED ABUSE OR NEGLECT OF A CHILD, VULNERABLE ELDERLY
4 PERSON OR AN INCOMPETENT OR PHYSICALLY DISABLED PERSON, THE ACTOR, NOT
5 BEING SUCH CHILD, VULNERABLE ELDERLY PERSON OR INCOMPETENT OR PHYSICALLY
6 DISABLED PERSON, CAUSES PHYSICAL INJURY TO SUCH EMPLOYEE WHILE SUCH
7 EMPLOYEE IS PERFORMING SUCH INVESTIGATION OR RESPONSE; OR
8 S 2. This act shall take effect on the first of November next succeed-
9 ing the date on which it shall have become a law.