

2013-2014 Regular Sessions

I N S E N A T E

(PREFILED)

January 9, 2013

Introduced by Sen. PERALTA -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the penal law, in relation to including the assault of a school crossing guard within the offense of assault in the second degree

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

1 Section 1. Subdivisions 3 and 10 of section 120.05 of the penal law,
2 subdivision 3 as amended by chapter 377 of the laws of 2012 and subdivi-
3 sion 10 as added by chapter 181 of the laws of 2000, are amended to read
4 as follows:
5 3. With intent to prevent a peace officer, a police officer, regis-
6 tered nurse, licensed practical nurse, sanitation enforcement agent, New
7 York city sanitation worker, a firefighter, including a firefighter
8 acting as a paramedic or emergency medical technician administering
9 first aid in the course of performance of duty as such firefighter, an
10 emergency medical service paramedic or emergency medical service techni-
11 cian, or medical or related personnel in a hospital emergency depart-
12 ment, a city marshal, A SCHOOL CROSSING GUARD APPOINTED PURSUANT TO
13 SECTION TWO HUNDRED EIGHT-A OF THE GENERAL MUNICIPAL LAW, a traffic
14 enforcement officer or traffic enforcement agent, from performing a
15 lawful duty, by means including releasing or failing to control an
16 animal under circumstances evincing the actor's intent that the animal
17 obstruct the lawful activity of such peace officer, police officer,
18 registered nurse, licensed practical nurse, sanitation enforcement
19 agent, New York city sanitation worker, firefighter, paramedic, techni-
20 cian, city marshal, SCHOOL CROSSING GUARD, traffic enforcement officer
21 or traffic enforcement agent, he or she causes physical injury to such
22 peace officer, police officer, registered nurse, licensed practical
23 nurse, sanitation enforcement agent, New York city sanitation worker,

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

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1 firefighter, paramedic, technician or medical or related personnel in a
2 hospital emergency department, city marshal, SCHOOL CROSSING GUARD,
3 traffic enforcement officer or traffic enforcement agent; or

4 10. Acting at a place the person knows, or reasonably should know, is
5 on school grounds and with intent to cause physical injury, he or she:

6 (a) causes such injury to an employee of a school or public school
7 district, OR TO A SCHOOL CROSSING GUARD APPOINTED PURSUANT TO SECTION
8 TWO HUNDRED EIGHT-A OF THE GENERAL MUNICIPAL LAW; or

9 (b) not being a student of such school or public school district,
10 causes physical injury to another, and such other person is a student of
11 such school who is attending or present for educational purposes. For
12 purposes of this subdivision the term "school grounds" shall have the
13 meaning set forth in subdivision fourteen of section 220.00 of this
14 chapter.

15 S 2. This act shall take effect on the first of November next succeed-
16 ing the date on which it shall have become a law.