

1467

2013-2014 Regular Sessions

I N   S E N A T E

(PREFILED)

January 9, 2013

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Introduced by Sen. PARKER -- 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 an assault of emergency department personnel while such employee is performing an assigned duty in, or directly related to such hospital emergency department

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

1     Section 1. Subdivision 3 of section 120.05 of the penal law, as  
2 amended by chapter 377 of the laws of 2012, is amended to read as  
3 follows:  
4     3. With intent to prevent a peace officer, a police officer, regis-  
5 tered nurse, licensed practical nurse, sanitation enforcement agent, New  
6 York city sanitation worker, a firefighter, including a firefighter  
7 acting as a paramedic or emergency medical technician administering  
8 first aid in the course of performance of duty as such firefighter, an  
9 emergency medical service paramedic or emergency medical service techni-  
10 cian, or medical or related personnel in a hospital emergency department  
11 PERFORMING ANY PROFESSIONAL-RELATED DUTIES, a city marshal, a traffic  
12 enforcement officer or traffic enforcement agent, from performing a  
13 lawful duty, by means including releasing or failing to control an  
14 animal under circumstances evincing the actor's intent that the animal  
15 obstruct the lawful activity of such peace officer, police officer,  
16 registered nurse, licensed practical nurse, sanitation enforcement  
17 agent, New York city sanitation worker, firefighter, paramedic, techni-  
18 cian, city marshal, traffic enforcement officer or traffic enforcement  
19 agent, he or she causes physical injury to such peace officer, police  
20 officer, registered nurse, licensed practical nurse, sanitation enforce-  
21 ment agent, New York city sanitation worker, firefighter, paramedic,  
22 technician or medical or related personnel in a hospital emergency  
23 department WHILE SUCH EMPLOYEE IS PERFORMING AN ASSIGNED DUTY IN, OR

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

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1 DIRECTLY RELATED TO SUCH HOSPITAL EMERGENCY DEPARTMENT, city marshal,  
2 traffic enforcement officer or traffic enforcement agent; or

3 S 2. Subdivision 11 of section 120.05 of the penal law, as amended by  
4 chapter 377 of the laws of 2012, is amended to read as follows:

5 11. With intent to cause physical injury to a train operator, ticket  
6 inspector, conductor, signalperson, bus operator or station agent  
7 employed by any transit agency, authority or company, public or private,  
8 whose operation is authorized by New York state or any of its political  
9 subdivisions, a city marshal, a traffic enforcement officer, traffic  
10 enforcement agent, sanitation enforcement agent, New York city sanita-  
11 tion worker, registered nurse or licensed practical nurse, TECHNICIAN OR  
12 MEDICAL OR RELATED PERSONNEL IN A HOSPITAL EMERGENCY DEPARTMENT WHILE  
13 SUCH EMPLOYEE IS PERFORMING AN ASSIGNED DUTY IN, OR DIRECTLY RELATED TO  
14 SUCH HOSPITAL EMERGENCY DEPARTMENT he or she causes physical injury to  
15 such train operator, ticket inspector, conductor, signalperson, bus  
16 operator or station agent, city marshal, traffic enforcement officer,  
17 traffic enforcement agent, registered nurse or licensed practical nurse,  
18 sanitation enforcement agent or New York city sanitation worker, while  
19 such employee is performing an assigned duty on, or directly related to,  
20 the operation of a train or bus, or such city marshal, traffic enforce-  
21 ment officer, traffic enforcement agent, registered nurse or licensed  
22 practical nurse, sanitation enforcement agent or New York city sanita-  
23 tion worker, is performing an assigned duty OR TECHNICIAN OR MEDICAL OR  
24 RELATED PERSONNEL IN A HOSPITAL EMERGENCY DEPARTMENT WHILE SUCH EMPLOYEE  
25 IS PERFORMING AN ASSIGNED DUTY IN, OR DIRECTLY RELATED TO SUCH HOSPITAL  
26 EMERGENCY DEPARTMENT.

27 S 3. This act shall take effect on the first of November next succeed-  
28 ing the date on which it shall have become a law.