

1467--A

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 -- 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 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 259 of the laws of 2013, is amended to read as  
3 follows:  
4     3. With intent to prevent a peace officer, a police officer, prosecu-  
5 tor as defined in subdivision thirty-one of section 1.20 of the criminal  
6 procedure law, registered nurse, licensed practical nurse, sanitation  
7 enforcement agent, New York city sanitation worker, a firefighter,  
8 including a firefighter acting as a paramedic or emergency medical tech-  
9 nician administering first aid in the course of performance of duty as  
10 such firefighter, an emergency medical service paramedic or emergency  
11 medical service technician, or medical or related personnel in a hospi-  
12 tal emergency department PERFORMING ANY PROFESSIONAL-RELATED DUTIES, a  
13 city marshal, a traffic enforcement officer or traffic enforcement  
14 agent, from performing a lawful duty, by means including releasing or  
15 failing to control an animal under circumstances evincing the actor's  
16 intent that the animal obstruct the lawful activity of such peace offi-  
17 cer, police officer, prosecutor as defined in subdivision thirty-one of  
18 section 1.20 of the criminal procedure law, registered nurse, licensed  
19 practical nurse, sanitation enforcement agent, New York city sanitation  
20 worker, firefighter, paramedic, technician, city marshal, traffic

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

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1 enforcement officer or traffic enforcement agent, he or she causes phys-  
2 ical injury to such peace officer, police officer, prosecutor as defined  
3 in subdivision thirty-one of section 1.20 of the criminal procedure law,  
4 registered nurse, licensed practical nurse, sanitation enforcement  
5 agent, New York city sanitation worker, firefighter, paramedic, techni-  
6 cian or medical or related personnel in a hospital emergency department  
7 WHILE SUCH EMPLOYEE IS PERFORMING AN ASSIGNED DUTY IN, OR DIRECTLY  
8 RELATED TO SUCH HOSPITAL EMERGENCY DEPARTMENT, city marshal, traffic  
9 enforcement officer or traffic enforcement agent; or

10 S 2. Subdivision 11 of section 120.05 of the penal law, as amended by  
11 chapter 259 of the laws of 2013, is amended to read as follows:

12 11. With intent to cause physical injury to a train operator, ticket  
13 inspector, conductor, signalperson, bus operator or station agent  
14 employed by any transit agency, authority or company, public or private,  
15 whose operation is authorized by New York state or any of its political  
16 subdivisions, a city marshal, a traffic enforcement officer, traffic  
17 enforcement agent, prosecutor as defined in subdivision thirty-one of  
18 section 1.20 of the criminal procedure law, sanitation enforcement  
19 agent, New York city sanitation worker, registered nurse or licensed  
20 practical nurse, TECHNICIAN OR MEDICAL OR RELATED PERSONNEL IN A HOSPI-  
21 TAL EMERGENCY DEPARTMENT WHILE SUCH EMPLOYEE IS PERFORMING AN ASSIGNED  
22 DUTY IN, OR DIRECTLY RELATED TO SUCH HOSPITAL EMERGENCY DEPARTMENT he or  
23 she causes physical injury to such train operator, ticket inspector,  
24 conductor, signalperson, bus operator or station agent, city marshal,  
25 traffic enforcement officer, traffic enforcement agent, prosecutor as  
26 defined in subdivision thirty-one of section 1.20 of the criminal proce-  
27 dure law, registered nurse, licensed practical nurse, sanitation  
28 enforcement agent or New York city sanitation worker, while such employ-  
29 ee is performing an assigned duty on, or directly related to, the opera-  
30 tion of a train or bus, or such city marshal, traffic enforcement offi-  
31 cer, traffic enforcement agent, prosecutor as defined in subdivision  
32 thirty-one of section 1.20 of the criminal procedure law, registered  
33 nurse, licensed practical nurse, sanitation enforcement agent or New  
34 York city sanitation worker, is performing an assigned duty OR TECHNI-  
35 CIAN OR MEDICAL OR RELATED PERSONNEL IN A HOSPITAL EMERGENCY DEPARTMENT  
36 WHILE SUCH EMPLOYEE IS PERFORMING AN ASSIGNED DUTY IN, OR DIRECTLY  
37 RELATED TO SUCH HOSPITAL EMERGENCY DEPARTMENT.

38 S 3. This act shall take effect on the same date and in the same  
39 manner as chapter 259 of the laws of 2013, takes effect.