

4013

2013-2014 Regular Sessions

I N   S E N A T E

March 4, 2013

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Introduced by Sen. ADAMS -- 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 assault on a member of an auxiliary police program, a traffic enforcement agent or a public officer or public employee performing school safety or security duties, and technical corrections relating to assault on a firefighter or related personnel in a hospital emergency department, member of an auxiliary police program, traffic enforcement agent or public officer or public employee performing school safety or security duties

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

1     Section 1. This act shall be known and may be cited as the "auxiliary  
2     police officer protection act".  
3     S 2. Paragraph (b) of subdivision 1 of section 70.02 of the penal law,  
4     as amended by chapter 1 of the laws of 2013, is amended to read as  
5     follows:  
6     (b) Class C violent felony offenses: an attempt to commit any of the  
7     class B felonies set forth in paragraph (a) of this subdivision; aggra-  
8     vated criminally negligent homicide as defined in section 125.11, aggra-  
9     vated manslaughter in the second degree as defined in section 125.21,  
10    aggravated sexual abuse in the second degree as defined in section  
11    130.67, assault on a peace officer, police officer, [fireman or] FIRE-  
12    FIGHTER, emergency medical services professional, MEMBER OF AN AUXILIARY  
13    POLICE PROGRAM, TRAFFIC ENFORCEMENT AGENT OR PUBLIC OFFICER OR PUBLIC  
14    EMPLOYEE PERFORMING SCHOOL SAFETY OR SECURITY DUTIES as defined in  
15    section 120.08, assault on a judge as defined in section 120.09, gang  
16    assault in the second degree as defined in section 120.06, strangulation  
17    in the first degree as defined in section 121.13, burglary in the second  
18    degree as defined in section 140.25, robbery in the second degree as  
19    defined in section 160.10, criminal possession of a weapon in the second  
20    degree as defined in section 265.03, criminal use of a firearm in the

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

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1 second degree as defined in section 265.08, criminal sale of a firearm  
2 in the second degree as defined in section 265.12, criminal sale of a  
3 firearm with the aid of a minor as defined in section 265.14, aggravated  
4 criminal possession of a weapon as defined in section 265.19, soliciting  
5 or providing support for an act of terrorism in the first degree as  
6 defined in section 490.15, hindering prosecution of terrorism in the  
7 second degree as defined in section 490.30, and criminal possession of a  
8 chemical weapon or biological weapon in the third degree as defined in  
9 section 490.37.

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

12 3. With intent to prevent a peace officer, a police officer, regis-  
13 tered nurse, licensed practical nurse, sanitation enforcement agent, New  
14 York city sanitation worker, a firefighter, including a firefighter  
15 acting as a paramedic or emergency medical technician administering  
16 first aid in the course of performance of duty as such firefighter, an  
17 emergency medical service paramedic or emergency medical service techni-  
18 cian, or medical or related personnel in a hospital emergency depart-  
19 ment, a city marshal, a traffic enforcement officer or traffic enforce-  
20 ment agent, A MEMBER OF AN AUXILIARY POLICE PROGRAM ORGANIZED AND  
21 MAINTAINED BY A STATE OR LOCAL POLICE DEPARTMENT, A PUBLIC OFFICER OR  
22 PUBLIC EMPLOYEE PERFORMING SCHOOL SAFETY OR SECURITY DUTIES, from  
23 performing a lawful duty, by means including releasing or failing to  
24 control an animal under circumstances evincing the actor's intent that  
25 the animal obstruct the lawful activity of such peace officer, police  
26 officer, registered nurse, licensed practical nurse, sanitation enforce-  
27 ment agent, New York city sanitation worker, firefighter, paramedic,  
28 technician, city marshal, traffic enforcement officer or traffic  
29 enforcement agent, MEDICAL OR RELATED PERSONNEL IN A HOSPITAL EMERGENCY  
30 DEPARTMENT, MEMBER OF AN AUXILIARY POLICE PROGRAM OR PUBLIC OFFICER OR  
31 PUBLIC EMPLOYEE PERFORMING SCHOOL SAFETY OR SECURITY DUTIES, he or she  
32 causes physical injury to such peace officer, police officer, registered  
33 nurse, licensed practical nurse, sanitation enforcement agent, New York  
34 city sanitation worker, firefighter, paramedic, technician or medical or  
35 related personnel in a hospital emergency department, city marshal,  
36 traffic enforcement officer or traffic enforcement agent, MEMBER OF AN  
37 AUXILIARY POLICE PROGRAM OR PUBLIC EMPLOYEE PERFORMING SCHOOL SAFETY OR  
38 SECURITY DUTIES; or

39 S 4. Section 120.08 of the penal law, as added by chapter 632 of the  
40 laws of 1996, is amended to read as follows:

41 S 120.08 Assault on a peace officer, police officer, [fireman or] FIRE-  
42 FIGHTER, emergency medical services professional, MEMBER OF  
43 AN AUXILIARY POLICE PROGRAM, TRAFFIC ENFORCEMENT AGENT OR  
44 PUBLIC OFFICER OR PUBLIC EMPLOYEE PERFORMING SCHOOL SAFETY OR  
45 SECURITY DUTIES.

46 A person is guilty of assault on a peace officer, police officer,  
47 [fireman or] FIREFIGHTER, emergency medical services professional,  
48 MEMBER OF AN AUXILIARY POLICE PROGRAM, TRAFFIC ENFORCEMENT AGENT OR  
49 PUBLIC OFFICER OR PUBLIC EMPLOYEE PERFORMING SCHOOL SAFETY OR SECURITY  
50 DUTIES when, with intent to prevent a peace officer, A police officer, a  
51 [fireman] FIREFIGHTER, including a [fireman] FIREFIGHTER acting as a  
52 paramedic or emergency medical technician administering first aid in the  
53 course of performance of duty as such [fireman] FIREFIGHTER, [or] an  
54 emergency medical service paramedic [or], AND emergency medical service  
55 technician, A MEMBER OF AN AUXILIARY POLICE PROGRAM ORGANIZED AND MAIN-  
56 TAINED BY A STATE OR LOCAL POLICE DEPARTMENT, TRAFFIC ENFORCEMENT AGENT

1 OR A PUBLIC OFFICER OR PUBLIC EMPLOYEE PERFORMING SCHOOL SAFETY OR SECU-  
2 RITY DUTIES, from performing a lawful duty, he OR SHE causes serious  
3 physical injury to such peace officer, police officer, [fireman] FIRE-  
4 FIGHTER, paramedic [or], technician, MEMBER OF AN AUXILIARY POLICE  
5 PROGRAM, TRAFFIC ENFORCEMENT AGENT OR PUBLIC OFFICER OR PUBLIC EMPLOYEE  
6 PERFORMING SCHOOL SAFETY OR SECURITY DUTIES.  
7 Assault on a peace officer, police officer, [fireman or] FIREFIGHTER,  
8 emergency medical services professional, MEMBER OF AN AUXILIARY POLICE  
9 PROGRAM, TRAFFIC ENFORCEMENT AGENT OR PUBLIC OFFICER OR PUBLIC EMPLOYEE  
10 PERFORMING SCHOOL SAFETY OR SECURITY DUTIES is a class C felony.  
11 S 5. This act shall take effect on the ninetieth day after it shall  
12 have become a law.