

6853

I N S E N A T E

March 20, 2014

Introduced by Sen. GOLDEN -- 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 the assault of certain public agents while they are performing their duties

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

1 Section 1. The penal law is amended by adding a new section 120.08-a
2 to read as follows:

3 S 120.08-A CRIMINALLY IMPEDING AN EMERGENCY MEDICAL SERVICE PARAMEDIC OR
4 EMERGENCY MEDICAL SERVICE TECHNICIAN IN THE PERFORMANCE OF
5 HIS OR HER DUTIES WHILE RENDERING PATIENT CARE.

6 A PERSON IS GUILTY OF CRIMINALLY IMPEDING AN EMERGENCY MEDICAL SERVICE
7 PARAMEDIC OR EMERGENCY MEDICAL SERVICE TECHNICIAN IN THE PERFORMANCE OF
8 HIS OR HER DUTIES WHILE RENDERING PATIENT CARE WHEN HE OR SHE STRIKES,
9 BITES, KICKS, PUNCHES, CHOKES, BEATS, OR HITS AN EMERGENCY MEDICAL
10 SERVICE PARAMEDIC OR EMERGENCY MEDICAL SERVICE TECHNICIAN WHILE SUCH
11 EMERGENCY MEDICAL SERVICE PARAMEDIC OR EMERGENCY MEDICAL SERVICE TECHNI-
12 CIAN IS PERFORMING A LAWFUL OR ASSIGNED DUTY AND RENDERING PATIENT CARE.

13 CRIMINALLY IMPEDING AN EMERGENCY MEDICAL SERVICE PARAMEDIC OR EMERGEN-
14 CY MEDICAL SERVICE TECHNICIAN IN THE PERFORMANCE OF HIS OR HER DUTIES
15 WHILE RENDERING PATIENT CARE IS A CLASS D FELONY.

16 S 2. Paragraph (c) of subdivision 1 of section 70.02 of the penal law,
17 as amended by chapter 1 of the laws of 2013, is amended to read as
18 follows:

19 (c) Class D violent felony offenses: an attempt to commit any of the
20 class C felonies set forth in paragraph (b); reckless assault of a child
21 as defined in section 120.02, assault in the second degree as defined in
22 section 120.05, CRIMINALLY IMPEDING AN EMERGENCY MEDICAL SERVICE
23 PARAMEDIC OR EMERGENCY MEDICAL SERVICE TECHNICIAN IN THE PERFORMANCE OF
24 HIS OR HER DUTIES WHILE RENDERING PATIENT CARE AS DEFINED IN SECTION
25 120.08-A, menacing a police officer or peace officer as defined in
26 section 120.18, stalking in the first degree, as defined in subdivision
27 one of section 120.60, strangulation in the second degree as defined in
28 section 121.12, rape in the second degree as defined in section 130.30,

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

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1 criminal sexual act in the second degree as defined in section 130.45,
2 sexual abuse in the first degree as defined in section 130.65, course of
3 sexual conduct against a child in the second degree as defined in
4 section 130.80, aggravated sexual abuse in the third degree as defined
5 in section 130.66, facilitating a sex offense with a controlled
6 substance as defined in section 130.90, criminal possession of a weapon
7 in the third degree as defined in subdivision five, six, seven, eight,
8 nine or ten of section 265.02, criminal sale of a firearm in the third
9 degree as defined in section 265.11, intimidating a victim or witness in
10 the second degree as defined in section 215.16, soliciting or providing
11 support for an act of terrorism in the second degree as defined in
12 section 490.10, and making a terroristic threat as defined in section
13 490.20, falsely reporting an incident in the first degree as defined in
14 section 240.60, placing a false bomb or hazardous substance in the first
15 degree as defined in section 240.62, placing a false bomb or hazardous
16 substance in a sports stadium or arena, mass transportation facility or
17 enclosed shopping mall as defined in section 240.63, and aggravated
18 unpermitted use of indoor pyrotechnics in the first degree as defined in
19 section 405.18.

20 S 3. This act shall take effect on the ninetieth day after it shall
21 have become a law.