

STATE OF NEW YORK

3065

2017-2018 Regular Sessions

IN ASSEMBLY

January 26, 2017

Introduced by M. of A. McKEVITT, GRAF -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to assault on code enforcement personnel

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivisions 3 and 11 of section 120.05 of the penal law,
2 subdivision 3 as amended by chapter 267 of the laws of 2016, and subdivi-
3 sion 11 as separately amended by chapters 268 and 281 of the laws of
4 2016, are amended to read as follows:

5 3. With intent to prevent a peace officer, a police officer, prosecu-
6 tor as defined in subdivision thirty-one of section 1.20 of the criminal
7 procedure law, registered nurse, licensed practical nurse, public health
8 sanitarian, New York city public health sanitarian, sanitation enforce-
9 ment agent, New York city sanitation worker, a firefighter, including a
10 firefighter acting as a paramedic or emergency medical technician admin-
11 istering first aid in the course of performance of duty as such fire-
12 fighter, an emergency medical service paramedic or emergency medical
13 service technician, or medical or related personnel in a hospital emer-
14 gency department, a city marshal, a school crossing guard appointed
15 pursuant to section two hundred eight-a of the general municipal law, a
16 traffic enforcement officer, traffic enforcement agent ~~[or]~~, employee of
17 any entity governed by the public service law in the course of perform-
18 ing an essential service, or any code enforcement personnel as such term
19 is defined pursuant to rules and regulations promulgated by the secre-
20 tary of state pursuant to subdivision one of section three hundred
21 eighty-one of the executive law, from performing a lawful duty, by means
22 including releasing or failing to control an animal under circumstances
23 evincing the actor's intent that the animal obstruct the lawful activity
24 of such peace officer, police officer, prosecutor as defined in subdivi-
25 sion thirty-one of section 1.20 of the criminal procedure law, regis-

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

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1 tered nurse, licensed practical nurse, public health sanitarian, New
2 York city public health sanitarian, sanitation enforcement agent, New
3 York city sanitation worker, firefighter, paramedic, technician, city
4 marshal, school crossing guard appointed pursuant to section two hundred
5 eight-a of the general municipal law, traffic enforcement officer, traf-
6 fic enforcement agent ~~[or]~~, employee of an entity governed by the public
7 service law or any code enforcement personnel, he or she causes physical
8 injury to such peace officer, police officer, prosecutor as defined in
9 subdivision thirty-one of section 1.20 of the criminal procedure law,
10 registered nurse, licensed practical nurse, public health sanitarian,
11 New York city public health sanitarian, sanitation enforcement agent,
12 New York city sanitation worker, firefighter, paramedic, technician or
13 medical or related personnel in a hospital emergency department, city
14 marshal, school crossing guard, traffic enforcement officer, traffic
15 enforcement agent ~~[or]~~, employee of an entity governed by the public
16 service law or any code enforcement personnel; or

17 11. With intent to cause physical injury to a train operator, ticket
18 inspector, conductor, signalperson, bus operator, station agent, station
19 cleaner or terminal cleaner employed by any transit agency, authority or
20 company, public or private, whose operation is authorized by New York
21 state or any of its political subdivisions, a city marshal, a school
22 crossing guard appointed pursuant to section two hundred eight-a of the
23 general municipal law, a traffic enforcement officer, traffic enforce-
24 ment agent, prosecutor as defined in subdivision thirty-one of section
25 1.20 of the criminal procedure law, sanitation enforcement agent, New
26 York city sanitation worker, public health sanitarian, New York city
27 public health sanitarian, registered nurse, licensed practical nurse,
28 emergency medical service paramedic, or emergency medical service tech-
29 nician, he or she causes physical injury to such train operator, ticket
30 inspector, conductor, signalperson, bus operator, station agent, station
31 cleaner or terminal cleaner, city marshal, school crossing guard
32 appointed pursuant to section two hundred eight-a of the general munici-
33 pal law, traffic enforcement officer, traffic enforcement agent, prose-
34 cutor as defined in subdivision thirty-one of section 1.20 of the crimi-
35 nal procedure law, registered nurse, licensed practical nurse, public
36 health sanitarian, New York city public health sanitarian, sanitation
37 enforcement agent, New York city sanitation worker, emergency medical
38 service paramedic, ~~[or]~~ emergency medical service technician or any code
39 enforcement personnel as such term is defined pursuant to rules and
40 regulations promulgated by the secretary of state pursuant to subdivi-
41 sion one of section three hundred eighty-one of the executive law, while
42 such employee is performing an assigned duty on, or directly related to,
43 the operation of a train or bus, including the cleaning of a train or
44 bus station or terminal, or such city marshal, school crossing guard,
45 traffic enforcement officer, traffic enforcement agent, prosecutor as
46 defined in subdivision thirty-one of section 1.20 of the criminal proce-
47 dure law, registered nurse, licensed practical nurse, public health
48 sanitarian, New York city public health sanitarian, sanitation enforce-
49 ment agent, New York city sanitation worker, emergency medical service
50 paramedic, ~~[or]~~ emergency medical service technician or code enforcement
51 personnel is performing an assigned duty; or

52 § 2. This act shall take effect on the first of November next succeed-
53 ing the date upon which it shall have become a law.