

STATE OF NEW YORK

5260

2023-2024 Regular Sessions

IN ASSEMBLY

March 7, 2023

Introduced by M. of A. DE LOS SANTOS -- read once and referred to the
Committee on Codes

AN ACT to amend the penal law, in relation to preventing a retail worker
from performing a lawful duty

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

1 Section 1. Subdivision 3 of section 120.05 of the penal law, as
2 amended by chapter 267 of the laws of 2016, 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, public health
7 sanitarian, New York city public health sanitarian, sanitation enforce-
8 ment agent, New York city sanitation worker, a firefighter, including a
9 firefighter acting as a paramedic or emergency medical technician admin-
10 istering first aid in the course of performance of duty as such fire-
11 fighter, an emergency medical service paramedic or emergency medical
12 service technician, or medical or related personnel in a hospital emer-
13 gency department, a city marshal, a school crossing guard appointed
14 pursuant to section two hundred eight-a of the general municipal law, a
15 traffic enforcement officer, traffic enforcement agent ~~[or]~~, employee of
16 any entity governed by the public service law in the course of perform-
17 ing an essential service, or retail workers from performing a lawful
18 duty, by means including releasing or failing to control an animal under
19 circumstances evincing the actor's intent that the animal obstruct the
20 lawful activity of such peace officer, police officer, prosecutor as
21 defined in subdivision thirty-one of section 1.20 of the criminal proce-
22 dure law, registered nurse, licensed practical nurse, public health
23 sanitarian, New York city public health sanitarian, sanitation enforce-
24 ment agent, New York city sanitation worker, firefighter, paramedic,
25 technician, city marshal, school crossing guard appointed pursuant to

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

LBD09572-01-3

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

24 § 2. This act shall take effect immediately.