

# STATE OF NEW YORK

5544

2023-2024 Regular Sessions

## IN ASSEMBLY

March 16, 2023

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

AN ACT to amend the penal law, in relation to assault on a member of an auxiliary police program

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

1 Section 1. Subdivisions 3 and 10 of section 120.05 of the penal law,  
2 subdivision 3 as amended by chapter 267 of the laws of 2016, subdivision  
3 10 as amended by chapter 268 of the laws of 2016, are amended to read as  
4 follows:

5 3. With intent to prevent a peace officer, a police officer, a member  
6 of an auxiliary police program organized and maintained by a state or  
7 local police department or sheriff's department while performing his or  
8 her duties as such auxiliary 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, a firefighter, including a firefighter  
13 acting as a paramedic or emergency medical technician administering  
14 first aid in the course of performance of duty as such firefighter, an  
15 emergency medical service paramedic or emergency medical service techni-  
16 cian, or medical or related personnel in a hospital emergency depart-  
17 ment, a city marshal, a school crossing guard appointed pursuant to  
18 section two hundred eight-a of the general municipal law, a traffic  
19 enforcement officer, traffic enforcement agent or employee of any entity  
20 governed by the public service law in the course of performing an essen-  
21 tial service, from performing a lawful duty, by means including releas-  
22 ing or failing to control an animal under circumstances evincing the  
23 actor's intent that the animal obstruct the lawful activity of such  
24 peace officer, police officer, on-duty auxiliary police officer, prose-  
25 cutor as defined in subdivision thirty-one of section 1.20 of the crimi-

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

LBD01037-01-3

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

17 10. Acting at a place the person knows, or reasonably should know, is  
18 on school grounds and with intent to cause physical injury, he or she:

19 (a) causes such injury to an employee of a school or public school  
20 district or to a school safety agent employed by a city with a popu-  
21 lation of one million or more; or

22 (b) not being a student of such school or public school district,  
23 causes physical injury to another, and such other person is a student of  
24 such school who is attending or present for educational purposes. For  
25 purposes of this subdivision the term "school grounds" shall have the  
26 meaning set forth in subdivision fourteen of section 220.00 of this  
27 chapter; or

28 § 2. This act shall take effect on the sixtieth day after it shall  
29 have become a law.