STATE OF NEW YORK

3334

2025-2026 Regular Sessions

IN ASSEMBLY

January 27, 2025

Introduced by M. of A. SMITH, DeSTEFANO, SMULLEN, MIKULIN, MORINELLO, CRUZ, MILLER, TANNOUSIS, BRABENEC, GANDOLFO -- 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:

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

3. With intent to prevent a peace officer, a police officer, **a member of an auxiliary police program organized and maintained by a state or local police department or sheriff's department while performing their duties as such auxiliary police officer,** prosecutor as defined in subdivision thirty-one of section 1.20 of the criminal procedure law, registered nurse, licensed practical nurse, public health sanitarian, New York city public health sanitarian, sanitation enforcement agent, New York city sanitation worker, a firefighter, including a firefighter acting as a paramedic or emergency medical technician administering first aid in the course of performance of duty as such firefighter, an emergency medical service paramedic or emergency medical service technician, or medical or related personnel in a hospital emergency department, a city marshal, a school crossing guard appointed pursuant to section two hundred eight-a of the general municipal law, a traffic enforcement officer, traffic enforcement agent or employee of any entity governed by the public service law in the course of performing an essential service, from performing a lawful duty, by means including releasing or failing to control an animal under circumstances evincing the actor's intent that the animal obstruct the lawful activity of such peace officer, police officer, **on-duty auxiliary police officer,** prose-

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

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cutor as defined in subdivision thirty-one of section 1.20 of the criminal procedure law, registered nurse, licensed practical nurse, public health sanitarian, New York city public health sanitarian, sanitation enforcement agent, New York city sanitation worker, firefighter, paramedic, technician, city marshal, school crossing guard appointed pursuant to section two hundred eight-a of the general municipal law, traffic enforcement officer, traffic enforcement agent or employee of an entity governed by the public service law, [~~he or she~~] **the actor** causes physical injury to such peace officer, police officer, **on-duty auxiliary police officer,** prosecutor as defined in subdivision thirty-one of section 1.20 of the criminal procedure law, registered nurse, licensed practical nurse, public health sanitarian, New York city public health sanitarian, sanitation enforcement agent, New York city sanitation worker, firefighter, paramedic, technician or medical or related personnel in a hospital emergency department, city marshal, school crossing guard, traffic enforcement officer, traffic enforcement agent or employee of an entity governed by the public service law; or

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

(a) causes such injury to an employee of a school or public school district **or to a school safety agent employed by a city with a population of one million or more**; or

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

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