

# STATE OF NEW YORK

4258

2025-2026 Regular Sessions

## IN SENATE

February 3, 2025

Introduced by Sen. ORTT -- 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 creating the crime of harassment of a first responder

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 240.28 to  
2 read as follows:

3 § 240.28 Harassment of a first responder.

4 1. As used in this section, the term:

5 (a) "first responder" includes law enforcement officers, firefighters,  
6 and emergency medical services personnel;

7 (b) "law enforcement officer" means any active or retired city or  
8 state law enforcement officer, peace officer, sheriff, deputy sheriff,  
9 probation or parole officer, marshal, deputy, wildlife enforcement agen-  
10 cy, county or state correctional officer, fire marshal or commissioned  
11 agent of the department of corrections and community supervision, as  
12 well as any federal law enforcement officer or employee, whose permanent  
13 duties include making arrests, performing search and seizures, execution  
14 of criminal arrest warrants, execution of civil seizure warrants, any  
15 civil functions performed by sheriffs or deputy sheriffs, enforcement of  
16 penal or traffic laws, or the care, custody, control or supervision of  
17 incarcerated individuals;

18 (c) "firefighter" means: (i) any firefighter regularly employed by a  
19 fire department of any municipality of the state of New York; and (ii)  
20 any volunteer firefighter as defined in subdivision one of section three  
21 of the volunteer firefighters' benefit law; and

22 (d) "emergency medical services personnel" means the personnel of a  
23 service or agency, whether paid or volunteer, engaged in providing  
24 initial emergency medical assistance, including but not limited to first

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

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1 responders, emergency medical technicians and advanced emergency medical  
2 technicians.

3 2. A person is guilty of harassment of a first responder when, after  
4 receiving a verbal warning not to approach from a first responder such  
5 person knows or reasonably should know is a first responder, where such  
6 first responder is engaged in the lawful performance of a legal duty, to  
7 knowingly and willfully violate such warning and approach or remain  
8 within twenty-five feet of the first responder with the intent to:

9 (a) Impede or interfere with the first responder's ability to perform  
10 such duty;

11 (b) Threaten the first responder with physical harm; or

12 (c) engage in a course of conduct directed at a first responder which  
13 causes substantial emotional distress to the first responder and which  
14 serves no legitimate purpose.

15 Harassment of a first responder is a class A misdemeanor.

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