

3103

2009-2010 Regular Sessions

I N A S S E M B L Y

January 22, 2009

Introduced by M. of A. KOON, PHEFFER, ZEBROWSKI, ENGLEBRIGHT -- Multi-Sponsored by -- M. of A. ABBATE, COLTON, COOK, HOOPER, JOHN, LAVINE, MAGEE, MAYERSOHN, ROBINSON, SWEENEY, WRIGHT -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to assault on certain emergency medical professionals

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Subdivision 3 of section 120.05 of the penal law, as
2 amended by chapter 45 of the laws of 2008, is amended to read as
3 follows:
4 3. With intent to prevent a peace officer, a police officer, REGIS-
5 TERED NURSE, LICENSED PRACTICAL NURSE, a firefighter, including a fire-
6 fighter acting as a paramedic or emergency medical technician adminis-
7 tering first aid in the course of performance of duty as such
8 firefighter, an emergency medical service paramedic or emergency medical
9 service technician, or medical or related personnel in a hospital emer-
10 gency department, a city marshal, a traffic enforcement officer or traf-
11 fic enforcement agent, from performing a lawful duty, by means including
12 releasing or failing to control an animal under circumstances evincing
13 the actor's intent that the animal obstruct the lawful activity of such
14 peace officer, police officer, REGISTERED NURSE, LICENSED PRACTICAL
15 NURSE, firefighter, paramedic, technician, city marshal, traffic
16 enforcement officer or traffic enforcement agent, he or she causes phys-
17 ical injury to such peace officer, police officer, REGISTERED NURSE,
18 LICENSED PRACTICAL NURSE, firefighter, paramedic, technician or medical
19 or related personnel in a hospital emergency department, city marshal,
20 traffic enforcement officer or traffic enforcement agent; or
21 S 2. Section 120.08 of the penal law, as added by chapter 632 of the
22 laws of 1996, is amended to read as follows:

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

LBD02516-01-9

1 S 120.08 Assault on a peace officer, police officer, [fireman] FIRE-
2 FIGHTER, REGISTERED NURSE, LICENSED PRACTICAL NURSE, or emer-
3 gency medical services professional.
4 A person is guilty of assault on a peace officer, police officer,
5 [fireman] FIREFIGHTER, REGISTERED NURSE, LICENSED PRACTICAL NURSE, or
6 emergency medical services professional when, with intent to prevent a
7 peace officer, police officer, a [fireman] FIREFIGHTER, including a
8 [fireman] FIREFIGHTER acting as a paramedic or emergency medical techni-
9 cian administering first aid in the course of performance of duty as
10 such [fireman] FIREFIGHTER, REGISTERED NURSE, LICENSED PRACTICAL NURSE,
11 or an emergency medical service paramedic or emergency medical service
12 technician, from performing a lawful duty, he OR SHE causes serious
13 physical injury to such peace officer, police officer, [fireman] FIRE-
14 FIGHTER, REGISTERED NURSE, LICENSED PRACTICAL NURSE, paramedic or tech-
15 nician.
16 Assault on a peace officer, police officer, [fireman] FIREFIGHTER,
17 REGISTERED NURSE, LICENSED PRACTICAL NURSE, or emergency medical
18 services professional is a class C felony.
19 S 3. This act shall take effect on the first of November next succeed-
20 ing the date on which it shall have become a law.