

5841

2009-2010 Regular Sessions

I N A S S E M B L Y

February 20, 2009

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

AN ACT to amend the penal law, in relation to assaults on traffic enforcement agents and city marshals

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

1 Section 1. Paragraph (b) of subdivision 1 of section 70.02 of the
2 penal law, as separately amended by chapters 764 and 765 of the laws of
3 2005, is amended to read as follows:

4 (b) Class C violent felony offenses: an attempt to commit any of the
5 class B felonies set forth in paragraph (a); aggravated criminally
6 negligent homicide as defined in section 125.11, aggravated manslaughter
7 in the second degree as defined in section 125.21, aggravated sexual
8 abuse in the second degree as defined in section 130.67, assault on a
9 peace officer, police officer, [fireman or] FIREFIGHTER, emergency
10 medical services professional, TRAFFIC ENFORCEMENT AGENT OR CITY MARSHAL
11 as defined in section 120.08, gang assault in the second degree as
12 defined in section 120.06, burglary in the second degree as defined in
13 section 140.25, robbery in the second degree as defined in section
14 160.10, criminal possession of a weapon in the second degree as defined
15 in section 265.03, criminal use of a firearm in the second degree as
16 defined in section 265.08, criminal sale of a firearm in the second
17 degree as defined in section 265.12, criminal sale of a firearm with the
18 aid of a minor as defined in section 265.14, soliciting or providing
19 support for an act of terrorism in the first degree as defined in
20 section 490.15, hindering prosecution of terrorism in the second degree
21 as defined in section 490.30, and criminal possession of a chemical
22 weapon or biological weapon in the third degree as defined in section
23 490.37.

24 S 2. Section 120.08 of the penal law, as added by chapter 632 of the
25 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.

LBD07973-01-9

1 S 120.08 Assault on a peace officer, police officer, [fireman or] FIRE-
2 FIGHTER, emergency medical services professional, TRAFFIC
3 ENFORCEMENT AGENT OR CITY MARSHAL.

4 A person is guilty of assault on a peace officer, police officer,
5 [fireman or] FIREFIGHTER, emergency medical services professional, TRAF-
6 FIC ENFORCEMENT AGENT OR CITY MARSHAL when, with intent to prevent a
7 peace officer, A 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, [or] an emergency medical service paramedic
11 [or], AN emergency medical service technician, A TRAFFIC ENFORCEMENT
12 AGENT OR CITY MARSHAL, from performing a lawful duty, he causes serious
13 physical injury to such peace officer, police officer, [fireman] FIRE-
14 FIGHTER, paramedic [or], technician, TRAFFIC ENFORCEMENT AGENT OR CITY
15 MARSHAL.

16 Assault on a peace officer, police officer, [fireman or] FIREFIGHTER,
17 emergency medical services professional, TRAFFIC ENFORCEMENT AGENT OR
18 CITY MARSHAL is a class C felony.

19 S 3. This act shall take effect on the thirtieth day after it shall
20 have become a law.