S T A T E O F N E W Y O R K

8979

2009-2010 Regular Sessions

I N A S S E M B L Y

June 17, 2009

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

AN ACT to amend the penal law, in relation to elevating an assault of a utility worker in the second degree to a class D felony

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

Section 1. Subdivision 3 of section 120.05 of the penal law, as amended by chapter 45 of the laws of 2008, is amended to read as follows:

3. With intent to prevent a peace officer, a police officer, 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 traffic enforcement officer [or], 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, firefighter, paramedic, technician, city marshal, traffic enforcement officer or traffic enforcement agent, he or she causes physical injury to such peace officer, police officer, firefighter, paramedic, technician or medical or related personnel in a hospital emergency department, city marshal, traffic enforcement officer [or], traffic enforcement agent OR EMPLOYEE OF AN ENTITY GOVERNED BY THE PUBLIC SERVICE LAW; or

S 2. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.

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

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