

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 ASSEM-
BLY, 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, a fire-
5 fighter, including a firefighter acting as a paramedic or emergency
6 medical technician administering first aid in the course of performance
7 of duty as such firefighter, an emergency medical service paramedic or
8 emergency medical service technician, or medical or related personnel in
9 a hospital emergency department, a city marshal, a traffic enforcement
10 officer [or], traffic enforcement agent OR EMPLOYEE OF ANY ENTITY
11 GOVERNED BY THE PUBLIC SERVICE LAW IN THE COURSE OF PERFORMING AN ESSEN-
12 TIAL SERVICE, from performing a lawful duty, by means including releas-
13 ing or failing to control an animal under circumstances evincing the
14 actor's intent that the animal obstruct the lawful activity of such
15 peace officer, police officer, firefighter, paramedic, technician, city
16 marshal, traffic enforcement officer or traffic enforcement agent, he or
17 she causes physical injury to such peace officer, police officer, fire-
18 fighter, paramedic, technician or medical or related personnel in a
19 hospital emergency department, city marshal, traffic enforcement officer
20 [or], traffic enforcement agent OR EMPLOYEE OF AN ENTITY GOVERNED BY THE
21 PUBLIC SERVICE LAW; or

22 S 2. This act shall take effect on the first of November next succeed-
23 ing 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.

LBD03093-01-9