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

9186--B

2009-2010 Regular Sessions

I N  A S S E M B L Y

October 13, 2009

Introduced by M. of A. PRETLOW, KELLNER, TITUS, MARKEY, CAMARA, MILLMAN, M. MILLER, CASTRO, DenDEKKER -- Multi-Sponsored by -- M. of A. ABBATE, BENJAMIN, BING, HEASTIE, TOWNS -- read once and referred to the Committee on Codes -- recommitted to the Committee on Codes in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the penal law, in relation to criminalizing assaults on sanitation enforcement agents

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

Section 1. Subdivisions 3 and 11 of section 120.05 of the penal law, as amended by chapter 45 of the laws of 2008, are amended to read as follows:

3. With intent to prevent a peace officer, a police officer, SANITATION ENFORCEMENT AGENT, 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, 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, SANITATION ENFORCEMENT AGENT, firefighter, paramedic, technician, city marshal, traffic enforcement officer or traffic enforcement agent, he or she causes physical injury to such peace officer, police officer, SANITATION ENFORCEMENT AGENT, firefighter, paramedic, technician or medical or related personnel in a hospital emergency

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

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department, city marshal, traffic enforcement officer or traffic enforcement agent; or

11. With intent to cause physical injury to a train operator, ticket inspector, conductor, signalperson, bus operator or station agent employed by any transit agency, authority or company, public or private, whose operation is authorized by New York state or any of its political subdivisions, a city marshal, a traffic enforcement officer [or], traffic enforcement agent OR SANITATION ENFORCEMENT AGENT, he or she causes physical injury to such train operator, ticket inspector, conductor, signalperson, bus operator or station agent, city marshal, traffic enforcement officer [or], traffic enforcement agent OR SANITATION ENFORCEMENT AGENT, while such employee is performing an assigned duty on, or directly related to, the operation of a train or bus, or such city marshal, traffic enforcement officer [or], traffic enforcement agent OR SANITATION ENFORCEMENT AGENT is performing an assigned duty.

S 2. This act shall take effect on the thirtieth day after it shall have become a law.