

2116

2009-2010 Regular Sessions

I N   S E N A T E

February 11, 2009

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Introduced by Sen. GOLDEN -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the penal law, in relation to assault against employees and agents of the department of juvenile justice of the city of New York and making technical corrections relating to assaults on medical or related personnel and firefighters

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, OR EMPLOYEE OR AGENT OF THE DEPARTMENT OF  
11    JUVENILE JUSTICE OF THE CITY OF NEW YORK as defined in section 120.08,  
12    gang assault in the second degree as defined in section 120.06, burglary  
13    in the second degree as defined in section 140.25, robbery in the second  
14    degree as defined in section 160.10, criminal possession of a weapon in  
15    the second degree as defined in section 265.03, criminal use of a  
16    firearm in the second degree as defined in section 265.08, criminal sale  
17    of a firearm in the second degree as defined in section 265.12, criminal  
18    sale of a firearm with the aid of a minor as defined in section 265.14,  
19    soliciting or providing support for an act of terrorism in the first  
20    degree as defined in section 490.15, hindering prosecution of terrorism  
21    in the second degree as defined in section 490.30, and criminal  
22    possession of a chemical weapon or biological weapon in the third degree  
23    as defined in section 490.37.

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

LBD02097-01-9

1 S 2. Subdivision 3 of section 120.05 of the penal law, as amended by  
2 chapter 45 of the laws of 2008, is amended to read as follows:

3 3. With intent to prevent a peace officer, a police officer, a fire-  
4 fighter, including a firefighter acting as a paramedic or emergency  
5 medical technician administering first aid in the course of performance  
6 of duty as such firefighter, an emergency medical service paramedic or  
7 emergency medical service technician, [or] medical or related personnel  
8 in a hospital emergency department, a city marshal, a traffic enforce-  
9 ment officer [or], traffic enforcement agent, OR AN EMPLOYEE OR AGENT OF  
10 THE DEPARTMENT OF JUVENILE JUSTICE OF THE CITY OF NEW YORK, from  
11 performing a lawful duty, by means including releasing or failing to  
12 control an animal under circumstances evincing the actor's intent that  
13 the animal obstruct the lawful activity of such peace officer, police  
14 officer, firefighter, paramedic, technician, city marshal, traffic  
15 enforcement officer [or], traffic enforcement agent, MEDICAL OR RELATED  
16 PERSONNEL IN A HOSPITAL EMERGENCY DEPARTMENT OR EMPLOYEE OR AGENT OF THE  
17 DEPARTMENT OF JUVENILE JUSTICE OF THE CITY OF NEW YORK, he or she causes  
18 physical injury to such peace officer, police officer, firefighter,  
19 paramedic, technician or medical or related personnel in a hospital  
20 emergency department, city marshal, traffic enforcement officer [or],  
21 traffic enforcement agent, OR EMPLOYEE OR AGENT OF THE DEPARTMENT OF  
22 JUVENILE JUSTICE OF THE CITY OF NEW YORK; or

23 S 3. Section 120.08 of the penal law, as added by chapter 632 of the  
24 laws of 1996, is amended to read as follows:

25 S 120.08 Assault on a peace officer, police officer, [fireman or] FIRE-  
26 FIGHTER, emergency medical services professional, OR EMPLOYEE  
27 OR AGENT OF THE DEPARTMENT OF JUVENILE JUSTICE OF THE CITY OF  
28 NEW YORK.

29 A person is guilty of assault on a peace officer, police officer,  
30 [fireman or] FIREFIGHTER, emergency medical services professional, OR  
31 EMPLOYEE OR AGENT OF THE DEPARTMENT OF JUVENILE JUSTICE OF THE CITY OF  
32 NEW YORK when, with intent to prevent a peace officer, A police officer,  
33 a [fireman] FIREFIGHTER, including a [fireman] FIREFIGHTER acting as a  
34 paramedic or emergency medical technician administering first aid in the  
35 course of performance of duty as such [fireman] FIREFIGHTER, [or] an  
36 emergency medical service paramedic [or], AN emergency medical service  
37 technician OR AN EMPLOYEE OR AGENT OF THE DEPARTMENT OF JUVENILE JUSTICE  
38 OF THE CITY OF NEW YORK, from performing a lawful duty, he causes seri-  
39 ous physical injury to such peace officer, police officer, [fireman]  
40 FIREFIGHTER, paramedic [or], technician OR EMPLOYEE OR AGENT OF THE  
41 DEPARTMENT OF JUVENILE JUSTICE OF THE CITY OF NEW YORK.

42 Assault on a peace officer, police officer, [fireman or] FIREFIGHTER,  
43 emergency medical services professional OR EMPLOYEE OR AGENT OF THE  
44 DEPARTMENT OF JUVENILE JUSTICE OF THE CITY OF NEW YORK is a class C  
45 felony.

46 S 4. This act shall take effect on the ninetieth day after it shall  
47 have become a law.