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

4018

2009-2010 Regular Sessions

I N S E N A T E

April 7, 2009

Introduced by Sens. HASSELL-THOMPSON, GOLDEN, LANZA, PADAVAN, ROBACH -- 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 on certain emergency medical professionals

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, REGISTERED NURSE, LICENSED PRACTICAL NURSE, 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, REGISTERED NURSE, LICENSED PRACTICAL NURSE, firefighter, paramedic, technician, city marshal, traffic enforcement officer or traffic enforcement agent, he or she causes physical injury to such peace officer, police officer, REGISTERED NURSE, LICENSED PRACTICAL NURSE, firefighter, paramedic, technician or medical or related personnel in a hospital emergency department, city marshal, traffic enforcement officer or traffic enforcement agent; or

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

LBD02516-01-9

S 120.08 Assault on a peace officer, police officer, [fireman] FIREFIGHTER, REGISTERED NURSE, LICENSED PRACTICAL NURSE, or emergency medical services professional.

A person is guilty of assault on a peace officer, police officer, [fireman] FIREFIGHTER, REGISTERED NURSE, LICENSED PRACTICAL NURSE, or emergency medical services professional when, with intent to prevent a peace officer, police officer, a [fireman] FIREFIGHTER, including a [fireman] FIREFIGHTER acting as a paramedic or emergency medical technician administering first aid in the course of performance of duty as such [fireman] FIREFIGHTER, REGISTERED NURSE, LICENSED PRACTICAL NURSE, or an emergency medical service paramedic or emergency medical service technician, from performing a lawful duty, he OR SHE causes serious physical injury to such peace officer, police officer, [fireman] FIREFIGHTER, REGISTERED NURSE, LICENSED PRACTICAL NURSE, paramedic or technician.

Assault on a peace officer, police officer, [fireman] FIREFIGHTER, REGISTERED NURSE, LICENSED PRACTICAL NURSE, or emergency medical services professional is a class C felony.

S 3. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.