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

4394--B

Cal. No. 415

2009-2010 Regular Sessions

I N S E N A T E

April 22, 2009

Introduced by Sens. SCHNEIDERMAN, SAVINO -- read twice and ordered printed, and when printed to be committed to the Committee on Codes -- recommitted to the Committee on Codes in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, passed by Senate and delivered to the Assembly, recalled, vote reconsidered, restored to third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the penal law, in relation to assaulting a New York city sanitation worker

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, 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 NEW YORK CITY SANITATION WORKER*, 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 *OR NEW YORK CITY SANITATION WORKER*, 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,

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

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traffic enforcement officer [or], traffic enforcement agent OR NEW YORK CITY SANITATION WORKER; 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 NEW YORK CITY SANITATION WORKER, 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 NEW YORK CITY SANITATION WORKER, 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 NEW YORK CITY SANITATION WORKER is performing an assigned duty.

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