

4576

2009-2010 Regular Sessions

I N S E N A T E

April 24, 2009

Introduced by Sen. ADAMS -- 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 a member of an auxiliary police program, a traffic enforcement agent or a public officer or public employee performing school safety or security duties, and technical corrections relating to assault on a firefighter or related personnel in a hospital emergency department, member of an auxiliary police program, traffic enforcement agent or public officer or public employee performing school safety or security duties

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

1 Section 1. This act shall be known and may be cited as the "auxiliary
2 police officer protection act".
3 S 2. Paragraph (b) of subdivision 1 of section 70.02 of the penal law,
4 as separately amended by chapters 764 and 765 of the laws of 2005, is
5 amended to read as follows:
6 (b) Class C violent felony offenses: an attempt to commit any of the
7 class B felonies set forth in paragraph (a); aggravated criminally
8 negligent homicide as defined in section 125.11, aggravated manslaughter
9 in the second degree as defined in section 125.21, aggravated sexual
10 abuse in the second degree as defined in section 130.67, assault on a
11 peace officer, police officer, [fireman or] FIREFIGHTER, emergency
12 medical services professional, MEMBER OF AN AUXILIARY POLICE PROGRAM,
13 TRAFFIC ENFORCEMENT AGENT OR PUBLIC OFFICER OR PUBLIC EMPLOYEE PERFORM-
14 ING SCHOOL SAFETY OR SECURITY DUTIES as defined in section 120.08, gang
15 assault in the second degree as defined in section 120.06, burglary in
16 the second degree as defined in section 140.25, robbery in the second
17 degree as defined in section 160.10, criminal possession of a weapon in
18 the second degree as defined in section 265.03, criminal use of a
19 firearm in the second degree as defined in section 265.08, criminal sale
20 of a firearm in the second degree as defined in section 265.12, criminal

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

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1 sale of a firearm with the aid of a minor as defined in section 265.14,
2 soliciting or providing support for an act of terrorism in the first
3 degree as defined in section 490.15, hindering prosecution of terrorism
4 in the second degree as defined in section 490.30, and criminal
5 possession of a chemical weapon or biological weapon in the third degree
6 as defined in section 490.37.

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

9 3. With intent to prevent a peace officer, a police officer, a fire-
10 fighter, including a firefighter acting as a paramedic or emergency
11 medical technician administering first aid in the course of performance
12 of duty as such firefighter, an emergency medical service paramedic or
13 emergency medical service technician, or medical or related personnel in
14 a hospital emergency department, a city marshal, a traffic enforcement
15 officer or traffic enforcement agent, A MEMBER OF AN AUXILIARY POLICE
16 PROGRAM ORGANIZED AND MAINTAINED BY A STATE OR LOCAL POLICE DEPARTMENT,
17 A PUBLIC OFFICER OR PUBLIC EMPLOYEE PERFORMING SCHOOL SAFETY OR SECURITY
18 DUTIES, from performing a lawful duty, by means including releasing or
19 failing to control an animal under circumstances evincing the actor's
20 intent that the animal obstruct the lawful activity of such peace offi-
21 cer, police officer, firefighter, paramedic, technician, city marshal,
22 traffic enforcement officer or traffic enforcement agent, MEDICAL OR
23 RELATED PERSONNEL IN A HOSPITAL EMERGENCY DEPARTMENT, MEMBER OF AN
24 AUXILIARY POLICE PROGRAM OR PUBLIC OFFICER OR PUBLIC EMPLOYEE PERFORMING
25 SCHOOL SAFETY OR SECURITY DUTIES, he or she causes physical injury to
26 such peace officer, police officer, firefighter, paramedic, technician
27 or medical or related personnel in a hospital emergency department, city
28 marshal, traffic enforcement officer or traffic enforcement agent,
29 MEMBER OF AN AUXILIARY POLICE PROGRAM OR PUBLIC EMPLOYEE PERFORMING
30 SCHOOL SAFETY OR SECURITY DUTIES; or

31 S 4. Section 120.08 of the penal law, as added by chapter 632 of the
32 laws of 1996, is amended to read as follows:

33 S 120.08 Assault on a peace officer, police officer, [fireman or] FIRE-
34 FIGHTER, emergency medical services professional, MEMBER OF
35 AN AUXILIARY POLICE PROGRAM, TRAFFIC ENFORCEMENT AGENT OR
36 PUBLIC OFFICER OR PUBLIC EMPLOYEE PERFORMING SCHOOL SAFETY OR
37 SECURITY DUTIES.

38 A person is guilty of assault on a peace officer, police officer,
39 [fireman or] FIREFIGHTER, emergency medical services professional,
40 MEMBER OF AN AUXILIARY POLICE PROGRAM, TRAFFIC ENFORCEMENT AGENT OR
41 PUBLIC OFFICER OR PUBLIC EMPLOYEE PERFORMING SCHOOL SAFETY OR SECURITY
42 DUTIES when, with intent to prevent a peace officer, A police officer, a
43 [fireman] FIREFIGHTER, including a [fireman] FIREFIGHTER acting as a
44 paramedic or emergency medical technician administering first aid in the
45 course of performance of duty as such [fireman] FIREFIGHTER, [or] an
46 emergency medical service paramedic [or], AND emergency medical service
47 technician, A MEMBER OF AN AUXILIARY POLICE PROGRAM ORGANIZED AND MAIN-
48 TAINED BY A STATE OR LOCAL POLICE DEPARTMENT, TRAFFIC ENFORCEMENT AGENT
49 OR A PUBLIC OFFICER OR PUBLIC EMPLOYEE PERFORMING SCHOOL SAFETY OR SECU-
50 RITY DUTIES, from performing a lawful duty, he OR SHE causes serious
51 physical injury to such peace officer, police officer, [fireman] FIRE-
52 FIGHTER, paramedic [or], technician, MEMBER OF AN AUXILIARY POLICE
53 PROGRAM, TRAFFIC ENFORCEMENT AGENT OR PUBLIC OFFICER OR PUBLIC EMPLOYEE
54 PERFORMING SCHOOL SAFETY OR SECURITY DUTIES.

55 Assault on a peace officer, police officer, [fireman or] FIREFIGHTER,
56 emergency medical services professional, MEMBER OF AN AUXILIARY POLICE

1 PROGRAM, TRAFFIC ENFORCEMENT AGENT OR PUBLIC OFFICER OR PUBLIC EMPLOYEE
2 PERFORMING SCHOOL SAFETY OR SECURITY DUTIES is a class C felony.
3 S 5. This act shall take effect on the ninetieth day after it shall
4 have become a law.