

1138

2011-2012 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 5, 2011

Introduced by M. of A. LENTOL -- Multi-Sponsored by -- M. of A. WEPRIN
-- read once and referred 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 amended by chapter 405 of the laws of 2010, is amended to read as
5 follows:
6 (b) Class C violent felony offenses: an attempt to commit any of the
7 class B felonies set forth in paragraph (a) of this subdivision; aggravated
8 criminally negligent homicide as defined in section 125.11, aggravated
9 manslaughter in the second degree as defined in section 125.21,
10 aggravated sexual abuse in the second degree as defined in section
11 130.67, assault on a peace officer, police officer, [fireman or] FIRE-
12 FIGHTER, emergency medical services professional, MEMBER OF AN AUXILIARY
13 POLICE PROGRAM, TRAFFIC ENFORCEMENT AGENT OR PUBLIC OFFICER OR PUBLIC
14 EMPLOYEE PERFORMING SCHOOL SAFETY OR SECURITY DUTIES as defined in
15 section 120.08, gang assault in the second degree as defined in section
16 120.06, strangulation in the first degree as defined in section 121.13,
17 burglary in the second degree as defined in section 140.25, robbery in
18 the second degree as defined in section 160.10, criminal possession of a
19 weapon in the second degree as defined in section 265.03, criminal use

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

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1 of a firearm in the second degree as defined in section 265.08, criminal
2 sale of a firearm in the second degree as defined in section 265.12,
3 criminal sale of a firearm with the aid of a minor as defined in section
4 265.14, soliciting or providing support for an act of terrorism in the
5 first degree as defined in section 490.15, hindering prosecution of
6 terrorism in the second degree as defined in section 490.30, and crimi-
7 nal possession of a chemical weapon or biological weapon in the third
8 degree as defined in section 490.37.

9 S 3. Subdivision 3 of section 120.05 of the penal law, as separately
10 amended by chapters 318 and 345 of the laws of 2010, is amended to read
11 as follows:

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

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

39 S 120.08 Assault on a peace officer, police officer, [fireman or] FIRE-
40 FIGHTER, emergency medical services professional, MEMBER OF
41 AN AUXILIARY POLICE PROGRAM, TRAFFIC ENFORCEMENT AGENT OR
42 PUBLIC OFFICER OR PUBLIC EMPLOYEE PERFORMING SCHOOL SAFETY OR
43 SECURITY DUTIES.

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

1 physical injury to such peace officer, police officer, [fireman] FIRE-
2 FIGHTER, paramedic [or], technician, MEMBER OF AN AUXILIARY POLICE
3 PROGRAM, TRAFFIC ENFORCEMENT AGENT OR PUBLIC OFFICER OR PUBLIC EMPLOYEE
4 PERFORMING SCHOOL SAFETY OR SECURITY DUTIES.
5 Assault on a peace officer, police officer, [fireman or] FIREFIGHTER,
6 emergency medical services professional, MEMBER OF AN AUXILIARY POLICE
7 PROGRAM, TRAFFIC ENFORCEMENT AGENT OR PUBLIC OFFICER OR PUBLIC EMPLOYEE
8 PERFORMING SCHOOL SAFETY OR SECURITY DUTIES is a class C felony.
9 S 5. This act shall take effect on the ninetieth day after it shall
10 have become a law.