

2540

2011-2012 Regular Sessions

I N A S S E M B L Y

January 19, 2011

Introduced by M. of A. PRETLOW -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to assaults on traffic enforcement agents and city marshals

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 amended by chapter 405 of the laws of 2010, is amended to
3 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) of this subdivision; aggra-
6 vated criminally negligent homicide as defined in section 125.11, aggra-
7 vated manslaughter in the second degree as defined in section 125.21,
8 aggravated sexual abuse in the second degree as defined in section
9 130.67, assault on a peace officer, police officer, [fireman or] FIRE-
10 FIGHTER, emergency medical services professional, TRAFFIC ENFORCEMENT
11 AGENT OR CITY MARSHAL as defined in section 120.08, gang assault in the
12 second degree as defined in section 120.06, strangulation in the first
13 degree as defined in section 121.13, burglary in the second degree as
14 defined in section 140.25, robbery in the second degree as defined in
15 section 160.10, criminal possession of a weapon in the second degree as
16 defined in section 265.03, criminal use of a firearm in the second
17 degree as defined in section 265.08, criminal sale of a firearm in the
18 second degree as defined in section 265.12, criminal sale of a firearm
19 with the aid of a minor as defined in section 265.14, soliciting or
20 providing support for an act of terrorism in the first degree as defined
21 in section 490.15, hindering prosecution of terrorism in the second
22 degree as defined in section 490.30, and criminal possession of a chemi-
23 cal weapon or biological weapon in the third degree as defined in
24 section 490.37.

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

LBD03093-01-1

1 S 2. Section 120.08 of the penal law, as added by chapter 632 of the
2 laws of 1996, is amended to read as follows:

3 S 120.08 Assault on a peace officer, police officer, [fireman or] FIRE-
4 FIGHTER, emergency medical services professional, TRAFFIC
5 ENFORCEMENT AGENT OR CITY MARSHAL.

6 A person is guilty of assault on a peace officer, police officer,
7 [fireman or] FIREFIGHTER, emergency medical services professional, TRAF-
8 FIC ENFORCEMENT AGENT OR CITY MARSHAL when, with intent to prevent a
9 peace officer, A police officer, a [fireman] FIREFIGHTER, including a
10 [fireman] FIREFIGHTER acting as a paramedic or emergency medical techni-
11 cian administering first aid in the course of performance of duty as
12 such [fireman] FIREFIGHTER, [or] an emergency medical service paramedic
13 [or], AN emergency medical service technician, A TRAFFIC ENFORCEMENT
14 AGENT OR CITY MARSHAL, from performing a lawful duty, he causes serious
15 physical injury to such peace officer, police officer, [fireman] FIRE-
16 FIGHTER, paramedic [or], technician, TRAFFIC ENFORCEMENT AGENT OR CITY
17 MARSHAL.

18 Assault on a peace officer, police officer, [fireman or] FIREFIGHTER,
19 emergency medical services professional, TRAFFIC ENFORCEMENT AGENT OR
20 CITY MARSHAL is a class C felony.

21 S 3. This act shall take effect on the thirtieth day after it shall
22 have become a law.