

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

3700--A

2011-2012 Regular Sessions

I N S E N A T E

March 2, 2011

Introduced by Sen. ADAMS -- 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

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 148 of the laws of 2011, 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; aggra-
8 vated criminally negligent homicide as defined in section 125.11, aggra-
9 vated 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, assault on a judge as defined in section 120.09, gang
16 assault in the second degree as defined in section 120.06, strangulation
17 in the first degree as defined in section 121.13, burglary in the second

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

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1 degree as defined in section 140.25, robbery in the second degree as
2 defined in section 160.10, criminal possession of a weapon in the second
3 degree as defined in section 265.03, criminal use of a firearm in the
4 second degree as defined in section 265.08, criminal sale of a firearm
5 in the second degree as defined in section 265.12, criminal sale of a
6 firearm with the aid of a minor as defined in section 265.14, soliciting
7 or providing support for an act of terrorism in the first degree as
8 defined in section 490.15, hindering prosecution of terrorism in the
9 second degree as defined in section 490.30, and criminal possession of a
10 chemical weapon or biological weapon in the third degree as defined in
11 section 490.37.

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

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

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

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

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

1 TAINED BY A STATE OR LOCAL POLICE DEPARTMENT, TRAFFIC ENFORCEMENT AGENT
2 OR A PUBLIC OFFICER OR PUBLIC EMPLOYEE PERFORMING SCHOOL SAFETY OR SECUR-
3 RITY DUTIES, from performing a lawful duty, he OR SHE causes serious
4 physical injury to such peace officer, police officer, [fireman] FIRE-
5 FIGHTER, paramedic [or], technician, MEMBER OF AN AUXILIARY POLICE
6 PROGRAM, TRAFFIC ENFORCEMENT AGENT OR PUBLIC OFFICER OR PUBLIC EMPLOYEE
7 PERFORMING SCHOOL SAFETY OR SECURITY DUTIES.
8 Assault on a peace officer, police officer, [fireman or] FIREFIGHTER,
9 emergency medical services professional, MEMBER OF AN AUXILIARY POLICE
10 PROGRAM, TRAFFIC ENFORCEMENT AGENT OR PUBLIC OFFICER OR PUBLIC EMPLOYEE
11 PERFORMING SCHOOL SAFETY OR SECURITY DUTIES is a class C felony.
12 S 5. This act shall take effect on the ninetieth day after it shall
13 have become a law.