

10539

I N A S S E M B L Y

June 4, 2012

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Brindisi) --
read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to including employees of the
office of children and family services on the list of public employees
for which prevention of duties qualifies as assault in the second
degree

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

1 Section 1. Subdivisions 3 and 11 of section 120.05 of the penal law,
2 as separately amended by chapters 318 and 345 of the laws of 2010, are
3 amended to read as follows:
4 3. With intent to prevent a peace officer, a police officer, regis-
5 tered nurse, licensed practical nurse, sanitation enforcement agent, a
6 firefighter, including a firefighter acting as a paramedic or emergency
7 medical technician administering first aid in the course of performance
8 of duty as such firefighter, an emergency medical service paramedic or
9 emergency medical service technician, or medical or related personnel in
10 a hospital emergency department, a city marshal, a traffic enforcement
11 officer or traffic enforcement agent, OR EMPLOYEE OF A SECURE OR LIMITED
12 SECURE RESIDENTIAL FACILITY ADMINISTERED AND OPERATED BY THE OFFICE OF
13 CHILDREN AND FAMILY SERVICES, from performing a lawful duty, by means
14 including releasing or failing to control an animal under circumstances
15 evincing the actor's intent that the animal obstruct the lawful activity
16 of such peace officer, police officer, registered nurse, licensed prac-
17 tical nurse, sanitation enforcement agent, firefighter, paramedic, tech-
18 nician, city marshal, traffic enforcement officer or traffic enforcement
19 agent, OR EMPLOYEE OF A SECURE OR LIMITED SECURE RESIDENTIAL FACILITY
20 ADMINISTERED AND OPERATED BY THE OFFICE OF CHILDREN AND FAMILY SERVICES,
21 he or she causes physical injury to such peace officer, police officer,
22 registered nurse, licensed practical nurse, sanitation enforcement
23 agent, firefighter, paramedic, technician or medical or related person-
24 nel in a hospital emergency department, city marshal, traffic enforce-
25 ment officer or traffic enforcement agent, OR EMPLOYEE OF A SECURE OR

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

LBD16001-01-2

1 LIMITED SECURE RESIDENTIAL FACILITY ADMINISTERED AND OPERATED BY THE
2 OFFICE OF CHILDREN AND FAMILY SERVICES; or
3 11. With intent to cause physical injury to a train operator, ticket
4 inspector, conductor, signalperson, bus operator or station agent
5 employed by any transit agency, authority or company, public or private,
6 whose operation is authorized by New York state or any of its political
7 subdivisions, a city marshal, a traffic enforcement officer, traffic
8 enforcement agent or sanitation enforcement agent, registered nurse or
9 licensed practical nurse OR EMPLOYEE OF A SECURE OR LIMITED SECURE RESI-
10 DENTIAL FACILITY ADMINISTERED AND OPERATED BY THE OFFICE OF CHILDREN AND
11 FAMILY SERVICES, he or she causes physical injury to such train opera-
12 tor, ticket inspector, conductor, signalperson, bus operator or station
13 agent, city marshal, traffic enforcement officer, traffic enforcement
14 agent, registered nurse or licensed practical nurse [or], sanitation
15 enforcement agent, OR EMPLOYEE OF A SECURE OR LIMITED SECURE RESIDENTIAL
16 FACILITY ADMINISTERED AND OPERATED BY THE OFFICE OF CHILDREN AND FAMILY
17 SERVICES, while such employee is performing an assigned duty on, or
18 directly related to, the operation of a train or bus, or such city
19 marshal, traffic enforcement officer, traffic enforcement agent, regis-
20 tered nurse or licensed practical nurse [or], sanitation enforcement
21 agent OR EMPLOYEE OF A SECURE OR LIMITED SECURE RESIDENTIAL FACILITY
22 ADMINISTERED AND OPERATED BY THE OFFICE OF CHILDREN AND FAMILY SERVICES,
23 is performing an assigned duty.
24 S 2. This act shall take effect immediately.