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

10748

I N  A S S E M B L Y

June 18, 2012

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

AN ACT to amend the penal law, in relation to including the assault of a school crossing guard within the offense of assault in the second degree

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

Section 1. Subdivisions 3 and 10 of section 120.05 of the penal law, subdivision 3 as separately amended by chapters 318 and 345 of the laws of 2010 and subdivision 10 as added by chapter 181 of the laws of 2000, are amended to read as follows:

3. With intent to prevent a peace officer, a police officer, registered nurse, licensed practical nurse, sanitation enforcement agent, a firefighter, including a firefighter acting as a paramedic or emergency medical technician administering first aid in the course of performance of duty as such firefighter, an emergency medical service paramedic or emergency medical service technician, or medical or related personnel in a hospital emergency department, a city marshal, A SCHOOL CROSSING GUARD APPOINTED PURSUANT TO SECTION TWO HUNDRED EIGHT-A OF THE GENERAL MUNICIPAL LAW, a traffic enforcement officer or traffic enforcement agent, from performing a lawful duty, by means including releasing or failing to control an animal under circumstances evincing the actor's intent that the animal obstruct the lawful activity of such peace officer, police officer, registered nurse, licensed practical nurse, sanitation enforcement agent, firefighter, paramedic, technician, city marshal, SCHOOL CROSSING GUARD, traffic enforcement officer or traffic enforcement agent, he or she causes physical injury to such peace officer, police officer, registered nurse, licensed practical nurse, sanitation enforcement agent, firefighter, paramedic, technician or medical or related personnel in a hospital emergency department, city marshal, SCHOOL CROSSING GUARD, traffic enforcement officer or traffic enforcement agent; or

10. Acting at a place the person knows, or reasonably should know, is on school grounds and with intent to cause physical injury, he or she:

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

LBD15655-01-2

(a) causes such injury to an employee of a school or public school district, OR TO A SCHOOL CROSSING GUARD APPOINTED PURSUANT TO SECTION TWO HUNDRED EIGHT-A OF THE GENERAL MUNICIPAL LAW; or

(b) not being a student of such school or public school district, causes physical injury to another, and such other person is a student of such school who is attending or present for educational purposes. For purposes of this subdivision the term "school grounds" shall have the meaning set forth in subdivision fourteen of section 220.00 of this chapter.

S 2. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.