

3213

2011-2012 Regular Sessions

I N A S S E M B L Y

January 24, 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 department of sanitation workers and nursing professionals

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, 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] A NURSING PROFESSIONAL INCLUDING NURSE PRACTITIONERS, CERTIFIED  
6 OR LICENSED nurse PRACTITIONERS, CERTIFIED NURSING ASSISTANTS AND  
7 licensed practical [nurse] NURSES, sanitation enforcement agent OR  
8 DEPARTMENT OF SANITATION WORKER, a firefighter, including a firefighter  
9 acting as a paramedic or emergency medical technician administering  
10 first aid in the course of performance of duty as such firefighter, an  
11 emergency medical service paramedic or emergency medical service techni-  
12 cian, or medical or related personnel in a hospital emergency depart-  
13 ment, a city marshal, a traffic enforcement officer or traffic enforce-  
14 ment agent, from performing a lawful duty, by means including releasing  
15 or failing to control an animal under circumstances evincing the actor's  
16 intent that the animal obstruct the lawful activity of such peace offi-  
17 cer, police officer, [registered nurse, licensed practical nurse] NURS-  
18 ING PROFESSIONAL, sanitation enforcement agent OR DEPARTMENT OF SANITA-  
19 TION WORKER, firefighter, paramedic, technician, city marshal, traffic  
20 enforcement officer or traffic enforcement agent, he or she causes phys-  
21 ical injury to such peace officer, police officer, [registered nurse,  
22 licensed practical nurse] NURSING PROFESSIONAL, sanitation enforcement  
23 agent OR DEPARTMENT OF SANITATION WORKER, firefighter, paramedic, tech-  
24 nician or medical or related personnel in a hospital emergency depart-

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

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1 ment, city marshal, traffic enforcement officer or traffic enforcement  
2 agent; 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, DEPARTMENT OF SANITATION WORKER or sanitation  
9 enforcement agent, [registered] A NURSING PROFESSIONAL INCLUDING nurse  
10 PRACTITIONERS, CERTIFIED or licensed NURSE PRACTITIONERS, CERTIFIED  
11 NURSING ASSISTANTS AND LICENSED practical [nurse] NURSES, he or she  
12 causes physical injury to such train operator, ticket inspector, conduc-  
13 tor, signalperson, bus operator or station agent, city marshal, traffic  
14 enforcement officer, traffic enforcement agent, [registered nurse or  
15 licensed practical nurse] NURSING PROFESSIONAL or sanitation enforcement  
16 agent OR DEPARTMENT OF SANITATION WORKER, while such employee is  
17 performing an assigned duty on, or directly related to, the operation of  
18 a train or bus, or such city marshal, traffic enforcement officer, traf-  
19 fic enforcement agent, [registered nurse or licensed practical nurse]  
20 NURSING PROFESSIONAL or sanitation enforcement agent OR DEPARTMENT OF  
21 SANITATION WORKER is performing an assigned duty.

22 S 2. This act shall take effect on the ninetieth day after it shall  
23 have become a law.