

2206

2011-2012 Regular Sessions

I N S E N A T E

January 18, 2011

Introduced by Sen. GOLDEN -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the penal law, in relation to assault against employees and agents of the department of juvenile justice of the city of New York and making technical corrections relating to assaults on medical or related personnel and firefighters

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, OR EMPLOYEE OR AGENT
11 OF THE DEPARTMENT OF JUVENILE JUSTICE OF THE CITY OF NEW YORK as defined
12 in section 120.08, gang assault in the second degree as defined in
13 section 120.06, strangulation in the first degree as defined in section
14 121.13, burglary in the second degree as defined in section 140.25,
15 robbery in the second degree as defined in section 160.10, criminal
16 possession of a weapon in the second degree as defined in section
17 265.03, criminal use of a firearm in the second degree as defined in
18 section 265.08, criminal sale of a firearm in the second degree as
19 defined in section 265.12, criminal sale of a firearm with the aid of a
20 minor as defined in section 265.14, soliciting or providing support for
21 an act of terrorism in the first degree as defined in section 490.15,
22 hindering prosecution of terrorism in the second degree as defined in

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

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section 490.30, and criminal possession of a chemical weapon or biological weapon in the third degree as defined in section 490.37.

S 2. Subdivision 3 of section 120.05 of the penal law, as separately amended by chapters 318 and 345 of the laws of 2010, is 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 traffic enforcement officer [or], traffic enforcement agent, OR EMPLOYEE OR AGENT OF THE DEPARTMENT OF JUVENILE JUSTICE OF THE CITY OF NEW YORK, 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, traffic enforcement officer [or], traffic enforcement agent, MEDICAL OR RELATED PERSONNEL IN A HOSPITAL EMERGENCY DEPARTMENT OR EMPLOYEE OR AGENT OF THE DEPARTMENT OF JUVENILE JUSTICE OF THE CITY OF NEW YORK, 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, traffic enforcement officer [or], traffic enforcement agent, OR EMPLOYEE OR AGENT OF THE DEPARTMENT OF JUVENILE JUSTICE OF THE CITY OF NEW YORK; or

S 3. Section 120.08 of the penal law, as added by chapter 632 of the laws of 1996, is amended to read as follows:

S 120.08 Assault on a peace officer, police officer, [fireman or] FIREFIGHTER, emergency medical services professional, OR EMPLOYEE OR AGENT OF THE DEPARTMENT OF JUVENILE JUSTICE OF THE CITY OF NEW YORK.

A person is guilty of assault on a peace officer, police officer, [fireman or] FIREFIGHTER, emergency medical services professional, OR EMPLOYEE OR AGENT OF THE DEPARTMENT OF JUVENILE JUSTICE OF THE CITY OF NEW YORK when, with intent to prevent a peace officer, A police officer, a [fireman] FIREFIGHTER, including a [fireman] FIREFIGHTER acting as a paramedic or emergency medical technician administering first aid in the course of performance of duty as such [fireman] FIREFIGHTER, [or] an emergency medical service paramedic [or], AN emergency medical service technician OR AN EMPLOYEE OR AGENT OF THE DEPARTMENT OF JUVENILE JUSTICE OF THE CITY OF NEW YORK, from performing a lawful duty, he causes serious physical injury to such peace officer, police officer, [fireman] FIREFIGHTER, paramedic [or], technician OR EMPLOYEE OR AGENT OF THE DEPARTMENT OF JUVENILE JUSTICE OF THE CITY OF NEW YORK.

Assault on a peace officer, police officer, [fireman or] FIREFIGHTER, emergency medical services professional OR EMPLOYEE OR AGENT OF THE DEPARTMENT OF JUVENILE JUSTICE OF THE CITY OF NEW YORK is a class C felony.

S 4. This act shall take effect on the ninetieth day after it shall have become a law.