

2965

2011-2012 Regular Sessions

I N S E N A T E

February 3, 2011

Introduced by Sen. KRUGER -- 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 elevating an assault of a utility worker in the second degree to a class D felony

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

1 Section 1. Subdivision 3 of section 120.05 of the penal law, as sepa-  
2 rately amended by chapters 318 and 345 of the laws of 2010, is amended  
3 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 ANY ENTITY  
12 GOVERNED BY THE PUBLIC SERVICE LAW IN THE COURSE OF PERFORMING AN ESSEN-  
13 TIAL SERVICE, from performing a lawful duty, by means including releas-  
14 ing or failing to control an animal under circumstances evincing the  
15 actor's intent that the animal obstruct the lawful activity of such  
16 peace officer, police officer, registered nurse, licensed practical  
17 nurse, sanitation enforcement agent, firefighter, paramedic, technician,  
18 city marshal, traffic enforcement officer or traffic enforcement agent,  
19 he or she causes physical injury to such peace officer, police officer,  
20 registered nurse, licensed practical nurse, sanitation enforcement  
21 agent, firefighter, paramedic, technician or medical or related person-  
22 nel in a hospital emergency department, city marshal, traffic enforce-  
23 ment officer [or], traffic enforcement agent OR EMPLOYEE OF AN ENTITY  
24 GOVERNED BY THE PUBLIC SERVICE LAW; or

25 S 2. This act shall take effect on the first of November next succeed-  
26 ing the date on which it shall have become a law.

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

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