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

6239

I N S E N A T E

January 17, 2012

Introduced by Sen. ALESI -- 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 an assault of emergency department personnel while such employee is performing an assigned duty in, or directly related to such hospital emergency department

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

Section 1. 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 PERFORMING ANY PROFESSIONAL-RELATED DUTIES, a city marshal, 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, 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 WHILE SUCH EMPLOYEE IS PERFORMING AN ASSIGNED DUTY IN, OR DIRECTLY RELATED TO SUCH HOSPITAL EMERGENCY DEPARTMENT, city marshal, traffic enforcement officer or traffic enforcement agent; or

S 2. Subdivision 11 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:

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

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11. With intent to cause physical injury to a train operator, ticket inspector, conductor, signalperson, bus operator or station agent employed by any transit agency, authority or company, public or private, whose operation is authorized by New York state or any of its political subdivisions, a city marshal, a traffic enforcement officer, traffic enforcement agent or sanitation enforcement agent, registered nurse or licensed practical nurse, TECHNICIAN OR MEDICAL OR RELATED PERSONNEL IN A HOSPITAL EMERGENCY DEPARTMENT WHILE SUCH EMPLOYEE IS PERFORMING AN ASSIGNED DUTY IN, OR DIRECTLY RELATED TO SUCH HOSPITAL EMERGENCY DEPARTMENT he or she causes physical injury to such train operator, ticket inspector, conductor, signalperson, bus operator or station agent, city marshal, traffic enforcement officer, traffic enforcement agent, registered nurse or licensed practical nurse or sanitation enforcement agent, while such employee is performing an assigned duty on, or directly related to, the operation of a train or bus, or such city marshal, traffic enforcement officer, traffic enforcement agent, registered nurse or licensed practical nurse or sanitation enforcement agent is performing an assigned duty OR TECHNICIAN OR MEDICAL OR RELATED PERSONNEL IN A HOSPITAL EMERGENCY DEPARTMENT WHILE SUCH EMPLOYEE IS PERFORMING AN ASSIGNED DUTY IN, OR DIRECTLY RELATED TO SUCH HOSPITAL EMERGENCY DEPARTMENT.

S 3. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.