

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

2680--A

2013-2014 Regular Sessions

I N A S S E M B L Y

January 17, 2013

Introduced by M. of A. BRINDISI -- read once and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the penal law, in relation to including employees of the office of children and family services on the list of public employees for which prevention of duties qualifies as assault in the second degree

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 amended by chapter 377 of the laws of 2012, are amended to read as
3 follows:
4 3. With intent to prevent a peace officer, a police officer, regis-
5 tered nurse, licensed practical nurse, sanitation enforcement agent, New
6 York city sanitation worker, a firefighter, including a firefighter
7 acting as a paramedic or emergency medical technician administering
8 first aid in the course of performance of duty as such firefighter, an
9 emergency medical service paramedic or emergency medical service techni-
10 cian, or medical or related personnel in a hospital emergency depart-
11 ment, a city marshal, a traffic enforcement officer or traffic enforce-
12 ment agent, OR EMPLOYEE OF A SECURE OR LIMITED SECURE RESIDENTIAL
13 FACILITY LICENSED, CERTIFIED OR OPERATED BY THE OFFICE OF CHILDREN AND
14 FAMILY SERVICES, from performing a lawful duty, by means including
15 releasing or failing to control an animal under circumstances evincing
16 the actor's intent that the animal obstruct the lawful activity of such
17 peace officer, police officer, registered nurse, licensed practical
18 nurse, sanitation enforcement agent, New York city sanitation worker,
19 firefighter, paramedic, technician, city marshal, traffic enforcement
20 officer or traffic enforcement agent, OR EMPLOYEE OF A SECURE OR LIMITED
21 SECURE RESIDENTIAL FACILITY LICENSED, CERTIFIED OR OPERATED BY THE
22 OFFICE OF CHILDREN AND FAMILY SERVICES, he or she causes physical injury

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

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1 to such peace officer, police officer, registered nurse, licensed prac-
2 tical nurse, sanitation enforcement agent, New York city sanitation
3 worker, firefighter, paramedic, technician or medical or related person-
4 nel in a hospital emergency department, city marshal, traffic enforce-
5 ment officer or traffic enforcement agent, OR EMPLOYEE OF A SECURE OR
6 LIMITED SECURE RESIDENTIAL FACILITY LICENSED, CERTIFIED OR OPERATED BY
7 THE OFFICE OF CHILDREN AND FAMILY SERVICES; or

8 11. With intent to cause physical injury to a train operator, ticket
9 inspector, conductor, signalperson, bus operator or station agent
10 employed by any transit agency, authority or company, public or private,
11 whose operation is authorized by New York state or any of its political
12 subdivisions, a city marshal, a traffic enforcement officer, traffic
13 enforcement agent, sanitation enforcement agent, New York city sanita-
14 tion worker, registered nurse or licensed practical nurse OR EMPLOYEE OF
15 A SECURE OR LIMITED SECURE RESIDENTIAL FACILITY LICENSED, CERTIFIED OR
16 OPERATED BY THE OFFICE OF CHILDREN AND FAMILY SERVICES, he or she causes
17 physical injury to such train operator, ticket inspector, conductor,
18 signalperson, bus operator or station agent, city marshal, traffic
19 enforcement officer, traffic enforcement agent, registered nurse [or],
20 licensed practical nurse, sanitation enforcement agent [or], New York
21 city sanitation worker, OR EMPLOYEE OF A SECURE OR LIMITED SECURE RESI-
22 DENTIAL FACILITY LICENSED, CERTIFIED OR OPERATED BY THE OFFICE OF CHIL-
23 DREN AND FAMILY SERVICES, while such employee is performing an assigned
24 duty on, or directly related to, the operation of a train or bus, or
25 such city marshal, traffic enforcement officer, traffic enforcement
26 agent, registered nurse or licensed practical nurse, sanitation enforce-
27 ment agent [or], New York city sanitation worker, OR EMPLOYEE OF A
28 SECURE OR LIMITED SECURE RESIDENTIAL FACILITY LICENSED, CERTIFIED OR
29 OPERATED BY THE OFFICE OF CHILDREN AND FAMILY SERVICES, is performing an
30 assigned duty.

31 S 2. This act shall take effect immediately.