

7163--B

2013-2014 Regular Sessions

I N   A S S E M B L Y

May 3, 2013

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Introduced by M. of A. WEPRIN, TITUS, QUART -- read once and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Codes in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the penal law, in relation to assault on a member of an auxiliary police program

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

1     Section 1. This act shall be known and may be cited as the "auxiliary  
2     police officer protection act".  
3     S 2. Paragraph (b) of subdivision 1 of section 70.02 of the penal law,  
4     as amended by chapter 1 of the laws of 2013, is amended to read as  
5     follows:  
6     (b) Class C violent felony offenses: an attempt to commit any of the  
7     class B felonies set forth in paragraph (a) of this subdivision; aggra-  
8     vated criminally negligent homicide as defined in section 125.11, aggra-  
9     vated manslaughter in the second degree as defined in section 125.21,  
10    aggravated sexual abuse in the second degree as defined in section  
11    130.67, assault on a peace officer, police officer, [fireman or] FIRE-  
12    FIGHTER, emergency medical services professional, OR MEMBER OF AN AUXIL-  
13    IARY POLICE PROGRAM, WHILE ON DUTY, as defined in section 120.08,  
14    assault on a judge as defined in section 120.09, gang assault in the  
15    second degree as defined in section 120.06, strangulation in the first  
16    degree as defined in section 121.13, burglary in the second degree as  
17    defined in section 140.25, robbery in the second degree as defined in  
18    section 160.10, criminal possession of a weapon in the second degree as  
19    defined in section 265.03, criminal use of a firearm in the second  
20    degree as defined in section 265.08, criminal sale of a firearm in the  
21    second degree as defined in section 265.12, criminal sale of a firearm

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

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1 with the aid of a minor as defined in section 265.14, aggravated criminal possession of a weapon as defined in section 265.19, soliciting or  
2 providing support for an act of terrorism in the first degree as defined  
3 in section 490.15, hindering prosecution of terrorism in the second  
4 degree as defined in section 490.30, and criminal possession of a chemical weapon or biological weapon in the third degree as defined in  
5 section 490.37.

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7  
8 S 3. Subdivision 3 of section 120.05 of the penal law, as amended by  
9 chapter 259 of the laws of 2013, is amended to read as follows:

10 3. With intent to prevent a peace officer, a police officer, prosecutor  
11 as defined in subdivision thirty-one of section 1.20 of the criminal  
12 procedure law, registered nurse, licensed practical nurse, sanitation  
13 enforcement agent, New York city sanitation worker, a firefighter,  
14 including a firefighter acting as a paramedic or emergency medical technician administering first aid in the course of performance of duty as  
15 such firefighter, an emergency medical service paramedic or emergency  
16 medical service technician, or medical or related personnel in a hospital emergency department, a city marshal, a traffic enforcement officer  
17 [or], traffic enforcement agent, OR A MEMBER OF AN AUXILIARY POLICE  
18 PROGRAM ORGANIZED AND MAINTAINED BY A STATE OR LOCAL POLICE DEPARTMENT  
19 WHILE PERFORMING HIS OR HER DUTIES AS SUCH AUXILIARY POLICE OFFICER,  
20 from performing a lawful duty, by means including releasing or failing  
21 to control an animal under circumstances evincing the actor's intent  
22 that the animal obstruct the lawful activity of such peace officer,  
23 police officer, prosecutor as defined in subdivision thirty-one of  
24 section 1.20 of the criminal procedure law, registered nurse, licensed  
25 practical nurse, sanitation enforcement agent, New York city sanitation  
26 worker, firefighter, paramedic, technician, city marshal, traffic  
27 enforcement officer [or], traffic enforcement agent OR MEMBER OF AN  
28 AUXILIARY POLICE PROGRAM, he or she causes physical injury to such peace  
29 officer, police officer, prosecutor as defined in subdivision thirty-one  
30 of section 1.20 of the criminal procedure law, registered nurse,  
31 licensed practical nurse, sanitation enforcement agent, New York city  
32 sanitation worker, firefighter, paramedic, technician or medical or  
33 related personnel in a hospital emergency department, city marshal,  
34 traffic enforcement officer [or], traffic enforcement agent OR ON-DUTY  
35 MEMBER OF AN AUXILIARY POLICE PROGRAM; or

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38 S 4. Section 120.08 of the penal law, as added by chapter 632 of the  
39 laws of 1996, is amended to read as follows:

40 S 120.08 Assault on a peace officer, police officer, [fireman or] FIRE-  
41 FIGHTER, emergency medical services professional, OR ON-DUTY  
42 MEMBER OF AN AUXILIARY POLICE PROGRAM.

43 A person is guilty of assault on a peace officer, police officer,  
44 [fireman or] FIREFIGHTER, emergency medical services professional, OR  
45 ON-DUTY MEMBER OF AN AUXILIARY POLICE PROGRAM when, with intent to  
46 prevent a peace officer, A police officer, a [fireman] FIREFIGHTER,  
47 including a [fireman] FIREFIGHTER acting as a paramedic or emergency  
48 medical technician administering first aid in the course of performance  
49 of duty as such [fireman] FIREFIGHTER, [or] an emergency medical service  
50 paramedic [or], AND emergency medical service technician, OR A MEMBER OF  
51 AN AUXILIARY POLICE PROGRAM ORGANIZED AND MAINTAINED BY A STATE OR LOCAL  
52 POLICE DEPARTMENT WHILE PERFORMING HIS OR HER DUTIES AS SUCH AUXILIARY  
53 POLICE OFFICER, from performing a lawful duty, he OR SHE causes serious  
54 physical injury to such peace officer, police officer, [fireman] FIRE-  
55 FIGHTER, paramedic [or], technician, OR ON-DUTY MEMBER OF AN AUXILIARY  
56 POLICE PROGRAM.

1 Assault on a peace officer, police officer, [fireman or] FIREFIGHTER,  
2 emergency medical services professional, OR ON-DUTY MEMBER OF AN AUXIL-  
3 IARY POLICE PROGRAM is a class C felony.  
4 S 5. This act shall take effect on the ninetieth day after it shall  
5 have become a law; provided, however, that the amendments to subdivision  
6 3 of section 120.05 of the penal law made by section three of this act  
7 shall take effect on the same date and in the same manner as chapter 259  
8 of the laws of 2013, takes effect.