

122--A

2013-2014 Regular Sessions

I N S E N A T E

(PREFILED)

January 9, 2013

Introduced by Sens. PERALTA, ADDABBO, AVELLA, BRESLIN, DIAZ, DILAN, ESPAILLAT, GIANARIS, GOLDEN, HASSELL-THOMPSON, KENNEDY, LANZA, PARKER, PERKINS, RIVERA, SAMPSON, SANDERS, SAVINO, SERRANO, STAVISKY -- read twice and ordered printed, and when printed to be committed to the Committee on Codes -- recommitted to the Committee on Codes in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the penal law, in relation to including the assault of a school crossing guard within the offense of 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 10 of section 120.05 of the penal law,
2 subdivision 3 as amended by chapter 259 of the laws of 2013 and subdivi-
3 sion 10 as added by chapter 181 of the laws of 2000, are amended to read
4 as follows:
5 3. With intent to prevent a peace officer, a police officer, prosecu-
6 tor as defined in subdivision thirty-one of section 1.20 of the criminal
7 procedure law, registered nurse, licensed practical nurse, sanitation
8 enforcement agent, New York city sanitation worker, a firefighter,
9 including a firefighter acting as a paramedic or emergency medical tech-
10 nician administering first aid in the course of performance of duty as
11 such firefighter, an emergency medical service paramedic or emergency
12 medical service technician, or medical or related personnel in a hospi-
13 tal emergency department, a city marshal, A SCHOOL CROSSING GUARD
14 APPOINTED PURSUANT TO SECTION TWO HUNDRED EIGHT-A OF THE GENERAL MUNICI-
15 PAL LAW, a traffic enforcement officer or traffic enforcement agent,
16 from performing a lawful duty, by means including releasing or failing
17 to control an animal under circumstances evincing the actor's intent
18 that the animal obstruct the lawful activity of such peace officer,

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

LBD00313-02-4

1 police officer, prosecutor as defined in subdivision thirty-one of
2 section 1.20 of the criminal procedure law, registered nurse, licensed
3 practical nurse, sanitation enforcement agent, New York city sanitation
4 worker, firefighter, paramedic, technician, city marshal, SCHOOL CROSS-
5 ING GUARD, traffic enforcement officer or traffic enforcement agent, he
6 or she causes physical injury to such peace officer, police officer,
7 prosecutor as defined in subdivision thirty-one of section 1.20 of the
8 criminal procedure law, registered nurse, licensed practical nurse,
9 sanitation enforcement agent, New York city sanitation worker, fire-
10 fighter, paramedic, technician or medical or related personnel in a
11 hospital emergency department, city marshal, traffic enforcement officer
12 or traffic enforcement agent; or

13 10. Acting at a place the person knows, or reasonably should know, is
14 on school grounds and with intent to cause physical injury, he or she:

15 (a) causes such injury to an employee of a school or public school
16 district, OR TO A SCHOOL CROSSING GUARD APPOINTED PURSUANT TO SECTION
17 TWO HUNDRED EIGHT-A OF THE GENERAL MUNICIPAL LAW; or

18 (b) not being a student of such school or public school district,
19 causes physical injury to another, and such other person is a student of
20 such school who is attending or present for educational purposes. For
21 purposes of this subdivision the term "school grounds" shall have the
22 meaning set forth in subdivision fourteen of section 220.00 of this
23 chapter.

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