

4006

2013-2014 Regular Sessions

I N S E N A T E

March 4, 2013

Introduced by Sen. GRIFFO -- 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 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 ADMINISTERED AND OPERATED BY THE OFFICE OF CHILDREN AND FAMILY
14 SERVICES, from performing a lawful duty, by means including releasing or
15 failing to control an animal under circumstances evincing the actor's
16 intent that the animal obstruct the lawful activity of such peace offi-
17 cer, police officer, registered nurse, licensed practical nurse, sanita-
18 tion enforcement agent, New York city sanitation worker, firefighter,
19 paramedic, technician, city marshal, traffic enforcement officer or
20 traffic enforcement agent, OR EMPLOYEE OF A SECURE OR LIMITED SECURE
21 RESIDENTIAL FACILITY ADMINISTERED AND OPERATED BY THE OFFICE OF CHILDREN
22 AND FAMILY SERVICES, he or she causes physical injury to such peace
23 officer, police officer, registered nurse, licensed practical nurse,

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

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1 sanitation enforcement agent, New York city sanitation worker, fire-
2 fighter, paramedic, technician or medical or related personnel in a
3 hospital emergency department, city marshal, traffic enforcement officer
4 or traffic enforcement agent, OR EMPLOYEE OF A SECURE OR LIMITED SECURE
5 RESIDENTIAL FACILITY ADMINISTERED AND OPERATED BY THE OFFICE OF CHILDREN
6 AND FAMILY SERVICES; or

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

29 S 2. This act shall take effect immediately.