

3757--B

2013-2014 Regular Sessions

I N   A S S E M B L Y

January 29, 2013

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Introduced by M. of A. DenDEKKER, WEPRIN, CRESPO, COLTON, MOSLEY, LAVINE, SKOUFIS, COOK, MILLER, SCARBOROUGH, SEPULVEDA, FINCH, SKARTADOS, ORTIZ, BORELLI, BENEDETTO, MOYA, PERRY, OTIS -- Multi-Sponsored by -- M. of A. ABBATE, ARROYO, AUBRY, BRAUNSTEIN, BRENNAN, BUCHWALD, CAMARA, CERETTO, CLARK, CYMBROWITZ, DiPIETRO, FAHY, FARRELL, GARBARINO, GIGLIO, GRAF, JOHNS, KATZ, KEARNS, LUPINACCI, MARKEY, McDONALD, McKEVITT, MILLMAN, NOLAN, PEOPLES-STOKES, RA, RAI, RIVERA, ROSA, SCHIMEL, SIMANOWITZ, SIMOTAS, SOLAGES, TEDISCO, TENNEY, TITONE, WALTER, WEISENBERG -- read once and referred to the Committee on Codes -- 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 -- again reported from said committee with amendments, 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 11 of section 120.05 of the penal law,  
2     as amended by chapter 259 of the laws of 2013, are amended to read as  
3     follows:  
4     3. With intent to prevent a peace officer, a police officer, prosecu-  
5     tor as defined in subdivision thirty-one of section 1.20 of the criminal  
6     procedure law, registered nurse, licensed practical nurse, sanitation  
7     enforcement agent, New York city sanitation worker, a firefighter,  
8     including a firefighter acting as a paramedic or emergency medical tech-  
9     nician administering first aid in the course of performance of duty as  
10    such firefighter, an emergency medical service paramedic or emergency  
11    medical service technician, or medical or related personnel in a hospi-  
12    tal emergency department, a city marshal, A SCHOOL CROSSING GUARD

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

LBD00313-04-4

1 APPOINTED PURSUANT TO SECTION TWO HUNDRED EIGHT-A OF THE GENERAL MUNICI-  
2 PAL LAW, a traffic enforcement officer or traffic enforcement agent,  
3 from performing a lawful duty, by means including releasing or failing  
4 to control an animal under circumstances evincing the actor's intent  
5 that the animal obstruct the lawful activity of such peace officer,  
6 police officer, prosecutor as defined in subdivision thirty-one of  
7 section 1.20 of the criminal procedure law, registered nurse, licensed  
8 practical nurse, sanitation enforcement agent, New York city sanitation  
9 worker, firefighter, paramedic, technician, city marshal, SCHOOL CROSS-  
10 ING GUARD APPOINTED PURSUANT TO SECTION TWO HUNDRED EIGHT-A OF THE  
11 GENERAL MUNICIPAL LAW, traffic enforcement officer or traffic enforce-  
12 ment agent, he or she causes physical injury to such peace officer,  
13 police officer, prosecutor as defined in subdivision thirty-one of  
14 section 1.20 of the criminal procedure law, registered nurse, licensed  
15 practical nurse, sanitation enforcement agent, New York city sanitation  
16 worker, firefighter, paramedic, technician or medical or related person-  
17 nel in a hospital emergency department, city marshal, SCHOOL CROSSING  
18 GUARD, traffic enforcement officer or traffic enforcement agent; or  
19 11. With intent to cause physical injury to a train operator, ticket  
20 inspector, conductor, signalperson, bus operator or station agent  
21 employed by any transit agency, authority or company, public or private,  
22 whose operation is authorized by New York state or any of its political  
23 subdivisions, a city marshal, A SCHOOL CROSSING GUARD APPOINTED PURSUANT  
24 TO SECTION TWO HUNDRED EIGHT-A OF THE GENERAL MUNICIPAL LAW, a traffic  
25 enforcement officer, traffic enforcement agent, prosecutor as defined in  
26 subdivision thirty-one of section 1.20 of the criminal procedure law,  
27 sanitation enforcement agent, New York city sanitation worker, regis-  
28 tered nurse or licensed practical nurse he or she causes physical injury  
29 to such train operator, ticket inspector, conductor, signalperson, bus  
30 operator or station agent, city marshal, SCHOOL CROSSING GUARD APPOINTED  
31 PURSUANT TO SECTION TWO HUNDRED EIGHT-A OF THE GENERAL MUNICIPAL LAW,  
32 traffic enforcement officer, traffic enforcement agent, prosecutor as  
33 defined in subdivision thirty-one of section 1.20 of the criminal proce-  
34 dure law, registered nurse, licensed practical nurse, sanitation  
35 enforcement agent or New York city sanitation worker, while such employ-  
36 ee is performing an assigned duty on, or directly related to, the opera-  
37 tion of a train or bus, or such city marshal, SCHOOL CROSSING GUARD,  
38 traffic enforcement officer, traffic enforcement agent, prosecutor as  
39 defined in subdivision thirty-one of section 1.20 of the criminal proce-  
40 dure law, registered nurse, licensed practical nurse, sanitation  
41 enforcement agent or New York city sanitation worker, is performing an  
42 assigned duty.

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