

4343

2013-2014 Regular Sessions

I N A S S E M B L Y

February 4, 2013

Introduced by M. of A. PRETLOW, MAYER -- read once and referred to the
Committee on Codes

AN ACT to amend the penal law, in relation to assaults on traffic
enforcement agents and city marshals

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

1 Section 1. Paragraph (b) of subdivision 1 of section 70.02 of the
2 penal law, as amended by chapter 1 of the laws of 2013, is amended to
3 read as follows:
4 (b) Class C violent felony offenses: an attempt to commit any of the
5 class B felonies set forth in paragraph (a) of this subdivision; aggra-
6 vated criminally negligent homicide as defined in section 125.11, aggra-
7 vated manslaughter in the second degree as defined in section 125.21,
8 aggravated sexual abuse in the second degree as defined in section
9 130.67, assault on a peace officer, police officer, [fireman or] FIRE-
10 FIGHTERS, emergency medical services professional, TRAFFIC ENFORCEMENT
11 AGENCY OR CITY MARSHAL as defined in section 120.08, assault on a judge
12 as defined in section 120.09, gang assault in the second degree as
13 defined in section 120.06, strangulation in the first degree as defined
14 in section 121.13, burglary in the second degree as defined in section
15 140.25, robbery in the second degree as defined in section 160.10, crim-
16 inal possession of a weapon in the second degree as defined in section
17 265.03, criminal use of a firearm in the second degree as defined in
18 section 265.08, criminal sale of a firearm in the second degree as
19 defined in section 265.12, criminal sale of a firearm with the aid of a
20 minor as defined in section 265.14, aggravated criminal possession of a
21 weapon as defined in section 265.19, soliciting or providing support for
22 an act of terrorism in the first degree as defined in section 490.15,
23 hindering prosecution of terrorism in the second degree as defined in
24 section 490.30, and criminal possession of a chemical weapon or biolog-
25 ical weapon in the third degree as defined in section 490.37.

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

LBD07774-02-3

1 S 2. Section 120.08 of the penal law, as added by chapter 632 of the
2 laws of 1996, is amended to read as follows:

3 S 120.08 Assault on a peace officer, police officer, [fireman or] FIRE-
4 FIGHTER, emergency medical services professional, TRAFFIC
5 ENFORCEMENT AGENT OR CITY MARSHAL.

6 A person is guilty of assault on a peace officer, police officer,
7 [fireman or] FIREFIGHTER, emergency medical services professional, TRAF-
8 FIC ENFORCEMENT AGENT OR CITY MARSHAL when, with intent to prevent a
9 peace officer, A police officer, a [fireman] FIREFIGHTER, including a
10 [fireman] FIREFIGHTER acting as a paramedic or emergency medical techni-
11 cian administering first aid in the course of performance of duty as
12 such [fireman] FIREFIGHTER, [or] an emergency medical service paramedic
13 [or], AN emergency medical service technician, A TRAFFIC ENFORCEMENT
14 AGENT OR CITY MARSHAL, from performing a lawful duty, he causes serious
15 physical injury to such peace officer, police officer, [fireman] FIRE-
16 FIGHTER, paramedic [or], technician, TRAFFIC ENFORCEMENT AGENT OR CITY
17 MARSHAL.

18 Assault on a peace officer, police officer, [fireman or] FIREFIGHTER,
19 emergency medical services professional, TRAFFIC ENFORCEMENT AGENT OR
20 CITY MARSHAL is a class C felony.

21 S 3. This act shall take effect on the thirtieth day after it shall
22 have become a law; provided, however, that if section 27 of chapter 1 of
23 the laws of 2013 shall not have taken effect on or before such date then
24 section one of this act shall take effect on the same date and in the
25 same manner as section 27 of such chapter of the laws of 2013 takes
26 effect.