

5210--A

2013-2014 Regular Sessions

I N   A S S E M B L Y

February 21, 2013

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Introduced by M. of A. TITONE, MONTESANO, GUNTHER, SCARBOROUGH, MAISEL, BRINDISI, COLTON, BORELLI, LALOR, OTIS, MILLMAN -- Multi-Sponsored by -- M. of A. ABBATE, COOK, ENGLEBRIGHT, GABRYSZAK, GARBARINO, GIBSON, HAWLEY, V. LOPEZ, MAGEE, McDONALD, McKEVITT, OAKS, THIELE -- read once and referred to the Committee on Codes -- 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 prosecutor

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

1     Section 1. Subdivision 3 of section 120.05 of the penal law, as  
2 amended by chapter 377 of the laws of 2012, is 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 traffic enforcement officer  
13 or traffic enforcement agent, from performing a lawful duty, by means  
14 including releasing or failing to control an animal under circumstances  
15 evincing the actor's intent that the animal obstruct the lawful activity  
16 of such peace officer, police officer, PROSECUTOR AS DEFINED IN SUBDIVI-  
17 SION THIRTY-ONE OF SECTION 1.20 OF THE CRIMINAL PROCEDURE LAW, regis-  
18 tered nurse, licensed practical nurse, sanitation enforcement agent, New  
19 York city sanitation worker, firefighter, paramedic, technician, city  
20 marshal, traffic enforcement officer or traffic enforcement agent, he or  
21 she causes physical injury to such peace officer, police officer, PROSE-

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

LBD04385-02-3

1 CUTOR AS DEFINED IN SUBDIVISION THIRTY-ONE OF SECTION 1.20 OF THE CRIMI-  
2 NAL PROCEDURE LAW, registered nurse, licensed practical nurse, sanita-  
3 tion enforcement agent, New York city sanitation worker, firefighter,  
4 paramedic, technician or medical or related personnel in a hospital  
5 emergency department, city marshal, traffic enforcement officer or traf-  
6 fic enforcement agent; or

7 S 2. Subdivision 11 of section 120.05 of the penal law, as amended by  
8 chapter 377 of the laws of 2012, is amended to read as follows:

9 11. With intent to cause physical injury to a train operator, ticket  
10 inspector, conductor, signalperson, bus operator or station agent  
11 employed by any transit agency, authority or company, public or private,  
12 whose operation is authorized by New York state or any of its political  
13 subdivisions, a city marshal, a traffic enforcement officer, traffic  
14 enforcement agent, PROSECUTOR AS DEFINED IN SUBDIVISION THIRTY-ONE OF  
15 SECTION 1.20 OF THE CRIMINAL PROCEDURE LAW, sanitation enforcement  
16 agent, New York city sanitation worker, registered nurse or licensed  
17 practical nurse he or she causes physical injury to such train operator,  
18 ticket inspector, conductor, signalperson, bus operator or station  
19 agent, city marshal, traffic enforcement officer, traffic enforcement  
20 agent, PROSECUTOR AS DEFINED IN SUBDIVISION THIRTY-ONE OF SECTION 1.20  
21 OF THE CRIMINAL PROCEDURE LAW, registered nurse [or], licensed practical  
22 nurse, sanitation enforcement agent or New York city sanitation worker,  
23 while such employee is performing an assigned duty on, or directly  
24 related to, the operation of a train or bus, or such city marshal, traf-  
25 fic enforcement officer, traffic enforcement agent, PROSECUTOR AS  
26 DEFINED IN SUBDIVISION THIRTY-ONE OF SECTION 1.20 OF THE CRIMINAL PROCE-  
27 DURE LAW, registered nurse [or], licensed practical nurse, sanitation  
28 enforcement agent or New York city sanitation worker, is performing an  
29 assigned duty.

30 S 3. This act shall take effect on the one hundred eightieth day after  
31 it shall have become a law.