

6077

2013-2014 Regular Sessions

I N A S S E M B L Y

March 14, 2013

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

AN ACT to amend the penal law, in relation to assaults upon process
servers

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

1 Section 1. Subdivisions 10, 11 and 12 of section 120.05 of the penal
2 law, subdivision 10 as added by chapter 181 of the laws of 2000, subdi-
3 vision 11 as amended by chapter 377 of the laws of 2012 and subdivision
4 12 as added by chapter 68 of the laws of 2008, are amended and a new
5 subdivision 13 is added to read as follows:
6 10. Acting at a place the person knows, or reasonably should know, is
7 on school grounds and with intent to cause physical injury, he or she:
8 (a) causes such injury to an employee of a school or public school
9 district; or
10 (b) not being a student of such school or public school district,
11 causes physical injury to another, and such other person is a student of
12 such school who is attending or present for educational purposes. For
13 purposes of this subdivision the term "school grounds" shall have the
14 meaning set forth in subdivision fourteen of section 220.00 of this
15 chapter[.]; OR
16 11. With intent to cause physical injury to a train operator, ticket
17 inspector, conductor, signalperson, bus operator or station agent
18 employed by any transit agency, authority or company, public or private,
19 whose operation is authorized by New York state or any of its political
20 subdivisions, a city marshal, a traffic enforcement officer, traffic
21 enforcement agent, sanitation enforcement agent, New York city sanita-
22 tion worker, registered nurse or licensed practical nurse he or she
23 causes physical injury to such train operator, ticket inspector, conduc-
24 tor, signalperson, bus operator or station agent, city marshal, traffic
25 enforcement officer, traffic enforcement agent, registered nurse or

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

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1 licensed practical nurse, sanitation enforcement agent or New York city
2 sanitation worker, while such employee is performing an assigned duty
3 on, or directly related to, the operation of a train or bus, or such
4 city marshal, traffic enforcement officer, traffic enforcement agent,
5 registered nurse or licensed practical nurse, sanitation enforcement
6 agent or New York city sanitation worker, is performing an assigned
7 duty[.]; OR

8 12. With intent to cause physical injury to a person who is sixty-five
9 years of age or older, he or she causes such injury to such person, and
10 the actor is more than ten years younger than such person[.]; OR

11 13. WITH INTENT TO PREVENT OR OBSTRUCT A PROCESS SERVER, AS DEFINED IN
12 SECTION EIGHTY-NINE-T OF THE GENERAL BUSINESS LAW, FROM PERFORMING A
13 LAWFUL DUTY PURSUANT TO ARTICLE THREE OF THE CIVIL PRACTICE LAW AND
14 RULES, OR INTENTIONALLY, AS RETALIATION AGAINST SUCH A PROCESS SERVER
15 FOR THE PERFORMANCE OF THE PROCESS SERVER'S DUTIES PURSUANT TO SUCH
16 ARTICLE, INCLUDING BY MEANS OF RELEASING OR FAILING TO CONTROL AN ANIMAL
17 EVINCING THE ACTOR'S INTENT THAT THE ANIMAL PREVENT OR OBSTRUCT THE
18 LAWFUL DUTY OF THE PROCESS SERVER OR AS RETALIATION AGAINST THE PROCESS
19 SERVER, HE OR SHE CAUSES PHYSICAL INJURY TO SUCH PROCESS SERVER.

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