

7163--A

2013-2014 Regular Sessions

I N A S S E M B L Y

May 3, 2013

Introduced by M. of A. WEPRIN, TITUS -- 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 member of an auxiliary police program

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

1 Section 1. This act shall be known and may be cited as the "auxiliary
2 police officer protection act".
3 S 2. Paragraph (b) of subdivision 1 of section 70.02 of the penal law,
4 as amended by chapter 1 of the laws of 2013, is amended to read as
5 follows:
6 (b) Class C violent felony offenses: an attempt to commit any of the
7 class B felonies set forth in paragraph (a) of this subdivision; aggra-
8 vated criminally negligent homicide as defined in section 125.11, aggra-
9 vated manslaughter in the second degree as defined in section 125.21,
10 aggravated sexual abuse in the second degree as defined in section
11 130.67, assault on a peace officer, police officer, [fireman or] FIRE-
12 FIGHTER, emergency medical services professional, OR MEMBER OF AN AUXIL-
13 IARY POLICE PROGRAM, WHILE ON DUTY, as defined in section 120.08,
14 assault on a judge as defined in section 120.09, gang assault in the
15 second degree as defined in section 120.06, strangulation in the first
16 degree as defined in section 121.13, burglary in the second degree as
17 defined in section 140.25, robbery in the second degree as defined in
18 section 160.10, criminal possession of a weapon in the second degree as
19 defined in section 265.03, criminal use of a firearm in the second
20 degree as defined in section 265.08, criminal sale of a firearm in the
21 second degree as defined in section 265.12, criminal sale of a firearm
22 with the aid of a minor as defined in section 265.14, aggravated crimi-
23 nal possession of a weapon as defined in section 265.19, soliciting or
24 providing support for an act of terrorism in the first degree as defined

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

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1 in section 490.15, hindering prosecution of terrorism in the second
2 degree as defined in section 490.30, and criminal possession of a chemi-
3 cal weapon or biological weapon in the third degree as defined in
4 section 490.37.

5 S 3. Subdivision 3 of section 120.05 of the penal law, as amended by
6 chapter 377 of the laws of 2012, is amended to read as follows:

7 3. With intent to prevent a peace officer, a police officer, regis-
8 tered nurse, licensed practical nurse, sanitation enforcement agent, New
9 York city sanitation worker, a firefighter, including a firefighter
10 acting as a paramedic or emergency medical technician administering
11 first aid in the course of performance of duty as such firefighter, an
12 emergency medical service paramedic or emergency medical service techni-
13 cian, or medical or related personnel in a hospital emergency depart-
14 ment, a city marshal, a traffic enforcement officer or traffic enforce-
15 ment agent, OR A MEMBER OF AN AUXILIARY POLICE PROGRAM ORGANIZED AND
16 MAINTAINED BY A STATE OR LOCAL POLICE DEPARTMENT WHILE PERFORMING HIS OR
17 HER DUTIES AS SUCH AUXILIARY POLICE OFFICER, from performing a lawful
18 duty, by means including releasing or failing to control an animal under
19 circumstances evincing the actor's intent that the animal obstruct the
20 lawful activity of such peace officer, police officer, registered nurse,
21 licensed practical nurse, sanitation enforcement agent, New York city
22 sanitation worker, firefighter, paramedic, technician, city marshal,
23 traffic enforcement officer or traffic enforcement agent, OR MEMBER OF
24 AN AUXILIARY POLICE PROGRAM, he or she causes physical injury to such
25 peace officer, police officer, registered nurse, licensed practical
26 nurse, sanitation enforcement agent, New York city sanitation worker,
27 firefighter, paramedic, technician or medical or related personnel in a
28 hospital emergency department, city marshal, traffic enforcement officer
29 or traffic enforcement agent, OR ON-DUTY MEMBER OF AN AUXILIARY POLICE
30 PROGRAM; or

31 S 4. Section 120.08 of the penal law, as added by chapter 632 of the
32 laws of 1996, is amended to read as follows:

33 S 120.08 Assault on a peace officer, police officer, [fireman or] FIRE-
34 FIGHTER, emergency medical services professional, OR ON-DUTY
35 MEMBER OF AN AUXILIARY POLICE PROGRAM.

36 A person is guilty of assault on a peace officer, police officer,
37 [fireman or] FIREFIGHTER, emergency medical services professional, OR
38 ON-DUTY MEMBER OF AN AUXILIARY POLICE PROGRAM when, with intent to
39 prevent a peace officer, A police officer, a [fireman] FIREFIGHTER,
40 including a [fireman] FIREFIGHTER acting as a paramedic or emergency
41 medical technician administering first aid in the course of performance
42 of duty as such [fireman] FIREFIGHTER, [or] an emergency medical service
43 paramedic [or], AND emergency medical service technician, OR A MEMBER OF
44 AN AUXILIARY POLICE PROGRAM ORGANIZED AND MAINTAINED BY A STATE OR LOCAL
45 POLICE DEPARTMENT WHILE PERFORMING HIS OR HER DUTIES AS SUCH AUXILIARY
46 POLICE OFFICER, from performing a lawful duty, he OR SHE causes serious
47 physical injury to such peace officer, police officer, [fireman] FIRE-
48 FIGHTER, paramedic [or], technician, OR ON-DUTY MEMBER OF AN AUXILIARY
49 POLICE PROGRAM.

50 Assault on a peace officer, police officer, [fireman or] FIREFIGHTER,
51 emergency medical services professional, OR ON-DUTY MEMBER OF AN AUXIL-
52 IARY POLICE PROGRAM is a class C felony.

53 S 5. This act shall take effect on the ninetieth day after it shall
54 have become a law.