

9011

I N   A S S E M B L Y

March 6, 2014

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

AN ACT to amend the penal law, in relation to elevating an assault of a  
utility worker in the second degree to a class D felony

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 259 of the laws of 2013, 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 OR EMPLOYEE OF ANY ENTITY GOVERNED BY  
14    THE PUBLIC SERVICE LAW IN THE COURSE OF PERFORMING AN ESSENTIAL SERVICE,  
15    from performing a lawful duty, by means including releasing or failing  
16    to control an animal under circumstances evincing the actor's intent  
17    that the animal obstruct the lawful activity of such peace officer,  
18    police officer, prosecutor as defined in subdivision thirty-one of  
19    section 1.20 of the criminal procedure law, registered nurse, licensed  
20    practical nurse, sanitation enforcement agent, New York city sanitation  
21    worker, firefighter, paramedic, technician, city marshal, traffic  
22    enforcement officer or traffic enforcement agent, he or she causes phys-  
23    ical injury to such peace officer, police officer, prosecutor as defined  
24    in subdivision thirty-one of section 1.20 of the criminal procedure law,  
25    registered nurse, licensed practical nurse, sanitation enforcement  
26    agent, New York city sanitation worker, firefighter, paramedic, techni-  
27    cian or medical or related personnel in a hospital emergency department,

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

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1 city marshal, traffic enforcement officer [or], traffic enforcement  
2 agent OR EMPLOYEE OF AN ENTITY GOVERNED BY THE PUBLIC SERVICE LAW; or  
3 S 2. This act shall take effect on the first of November next succeed-  
4 ing the date on which it shall have become a law.