

122--B

2013-2014 Regular Sessions

I N S E N A T E

(PREFILED)

January 9, 2013

Introduced by Sens. PERALTA, ADDABBO, AVELLA, BRESLIN, DIAZ, DILAN, ESPAILLAT, GIANARIS, GOLDEN, HASSELL-THOMPSON, KENNEDY, LANZA, PARKER, PERKINS, RIVERA, SAMPSON, SANDERS, SAVINO, SERRANO, STAVISKY -- read twice and ordered printed, and when printed to be committed to the Committee on Codes -- recommitted to the Committee on Codes in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the penal law, in relation to including the assault of a school crossing guard within the offense of assault in the second degree

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

1 Section 1. Subdivisions 3 and 11 of section 120.05 of the penal law,
2 as amended by chapter 259 of the laws of 2013, are 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 SCHOOL CROSSING GUARD
13 APPOINTED PURSUANT TO SECTION TWO HUNDRED EIGHT-A OF THE GENERAL MUNICI-
14 PAL LAW, a traffic enforcement officer or traffic enforcement agent,
15 from performing a lawful duty, by means including releasing or failing
16 to control an animal under circumstances evincing the actor's intent

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

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1 that the animal obstruct the lawful activity of such peace officer,
2 police officer, prosecutor as defined in subdivision thirty-one of
3 section 1.20 of the criminal procedure law, registered nurse, licensed
4 practical nurse, sanitation enforcement agent, New York city sanitation
5 worker, firefighter, paramedic, technician, city marshal, SCHOOL CROSS-
6 ING GUARD APPOINTED PURSUANT TO SECTION TWO HUNDRED EIGHT-A OF THE
7 GENERAL MUNICIPAL LAW, traffic enforcement officer or traffic enforce-
8 ment agent, he or she causes physical injury to such peace officer,
9 police officer, prosecutor as defined in subdivision thirty-one of
10 section 1.20 of the criminal procedure law, registered nurse, licensed
11 practical nurse, sanitation enforcement agent, New York city sanitation
12 worker, firefighter, paramedic, technician or medical or related person-
13 nel in a hospital emergency department, city marshal, SCHOOL CROSSING
14 GUARD, traffic enforcement officer or traffic enforcement agent; or

15 11. With intent to cause physical injury to a train operator, ticket
16 inspector, conductor, signalperson, bus operator or station agent
17 employed by any transit agency, authority or company, public or private,
18 whose operation is authorized by New York state or any of its political
19 subdivisions, a city marshal, A SCHOOL CROSSING GUARD APPOINTED PURSUANT
20 TO SECTION TWO HUNDRED EIGHT-A OF THE GENERAL MUNICIPAL LAW, a traffic
21 enforcement officer, traffic enforcement agent, prosecutor as defined in
22 subdivision thirty-one of section 1.20 of the criminal procedure law,
23 sanitation enforcement agent, New York city sanitation worker, regis-
24 tered nurse or licensed practical nurse he or she causes physical injury
25 to such train operator, ticket inspector, conductor, signalperson, bus
26 operator or station agent, city marshal, SCHOOL CROSSING GUARD APPOINTED
27 PURSUANT TO SECTION TWO HUNDRED EIGHT-A OF THE GENERAL MUNICIPAL LAW,
28 traffic enforcement officer, traffic enforcement agent, prosecutor as
29 defined in subdivision thirty-one of section 1.20 of the criminal proce-
30 dure law, registered nurse, licensed practical nurse, sanitation
31 enforcement agent or New York city sanitation worker, while such employ-
32 ee is performing an assigned duty on, or directly related to, the opera-
33 tion of a train or bus, or such city marshal, SCHOOL CROSSING GUARD,
34 traffic enforcement officer, traffic enforcement agent, prosecutor as
35 defined in subdivision thirty-one of section 1.20 of the criminal proce-
36 dure law, registered nurse, licensed practical nurse, sanitation
37 enforcement agent or New York city sanitation worker, is performing an
38 assigned duty.

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