

4006--B

2013-2014 Regular Sessions

I N   S E N A T E

March 4, 2013

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Introduced by Sen. GRIFFO -- read twice and ordered printed, and when printed to be committed to the Committee on Codes -- reported favorably from said committee, ordered to first report, amended on first report, ordered to a second report, and to be reprinted as amended, retaining its place in the order of second report -- 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

AN ACT to amend the penal law, in relation to including employees of the office of children and family services on the list of public employees for which prevention of duties qualifies as 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 traffic enforcement officer  
13    or traffic enforcement agent, OR EMPLOYEE OF A SECURE OR LIMITED SECURE  
14    RESIDENTIAL FACILITY LICENSED, CERTIFIED OR OPERATED BY THE OFFICE OF  
15    CHILDREN AND FAMILY SERVICES, from performing a lawful duty, by means  
16    including releasing or failing to control an animal under circumstances  
17    evincing the actor's intent that the animal obstruct the lawful activity

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

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1 of such peace officer, police officer, prosecutor as defined in subdivi-  
2 sion thirty-one of section 1.20 of the criminal procedure law, regis-  
3 tered nurse, licensed practical nurse, sanitation enforcement agent, New  
4 York city sanitation worker, firefighter, paramedic, technician, city  
5 marshal, traffic enforcement officer or traffic enforcement agent, OR  
6 EMPLOYEE OF A SECURE OR LIMITED SECURE RESIDENTIAL FACILITY LICENSED,  
7 CERTIFIED OR OPERATED BY THE OFFICE OF CHILDREN AND FAMILY SERVICES, he  
8 or she causes physical injury to such peace officer, police officer,  
9 prosecutor as defined in subdivision thirty-one of section 1.20 of the  
10 criminal procedure law, registered nurse, licensed practical nurse,  
11 sanitation enforcement agent, New York city sanitation worker, fire-  
12 fighter, paramedic, technician or medical or related personnel in a  
13 hospital emergency department, city marshal, traffic enforcement officer  
14 or traffic enforcement agent, OR EMPLOYEE OF A SECURE OR LIMITED SECURE  
15 RESIDENTIAL FACILITY LICENSED, CERTIFIED OR OPERATED BY THE OFFICE OF  
16 CHILDREN AND FAMILY SERVICES; or

17 11. With intent to cause physical injury to a train operator, ticket  
18 inspector, conductor, signalperson, bus operator or station agent  
19 employed by any transit agency, authority or company, public or private,  
20 whose operation is authorized by New York state or any of its political  
21 subdivisions, a city marshal, a traffic enforcement officer, traffic  
22 enforcement agent, prosecutor as defined in subdivision thirty-one of  
23 section 1.20 of the criminal procedure law, sanitation enforcement  
24 agent, New York city sanitation worker, registered nurse or licensed  
25 practical nurse OR EMPLOYEE OF A SECURE OR LIMITED SECURE RESIDENTIAL  
26 FACILITY LICENSED, CERTIFIED OR OPERATED BY THE OFFICE OF CHILDREN AND  
27 FAMILY SERVICES, he or she causes physical injury to such train opera-  
28 tor, ticket inspector, conductor, signalperson, bus operator or station  
29 agent, city marshal, traffic enforcement officer, traffic enforcement  
30 agent, prosecutor as defined in subdivision thirty-one of section 1.20  
31 of the criminal procedure law, registered nurse, licensed practical  
32 nurse, sanitation enforcement agent [or], New York city sanitation work-  
33 er, OR EMPLOYEE OF A SECURE OR LIMITED SECURE RESIDENTIAL FACILITY  
34 LICENSED, CERTIFIED OR OPERATED BY THE OFFICE OF CHILDREN AND FAMILY  
35 SERVICES, while such employee is performing an assigned duty on, or  
36 directly related to, the operation of a train or bus, or such city  
37 marshal, traffic enforcement officer, traffic enforcement agent, prose-  
38 cutor as defined in subdivision thirty-one of section 1.20 of the crimi-  
39 nal procedure law, registered nurse, licensed practical nurse, sanita-  
40 tion enforcement agent [or], New York city sanitation worker, OR  
41 EMPLOYEE OF A SECURE OR LIMITED SECURE RESIDENTIAL FACILITY LICENSED,  
42 CERTIFIED OR OPERATED BY THE OFFICE OF CHILDREN AND FAMILY SERVICES, is  
43 performing an assigned duty.

44 S 2. This act shall take effect immediately.