S T A T E O F N E W Y O R K

4006--B

2013-2014 Regular Sessions

I N S E N A T E

March 4, 2013

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:

Section 1. Subdivisions 3 and 11 of section 120.05 of the penal law, as amended by chapter 259 of the laws of 2013, are amended to read as follows:

3. With intent to prevent a peace officer, a police officer, prosecutor as defined in subdivision thirty-one of section 1.20 of the criminal procedure law, registered nurse, licensed practical nurse, sanitation enforcement agent, New York city sanitation worker, a firefighter, including a firefighter acting as a paramedic or emergency medical technician administering first aid in the course of performance of duty as such firefighter, an emergency medical service paramedic or emergency medical service technician, or medical or related personnel in a hospital emergency department, a city marshal, a traffic enforcement officer or traffic enforcement agent, OR EMPLOYEE OF A SECURE OR LIMITED SECURE RESIDENTIAL FACILITY LICENSED, CERTIFIED OR OPERATED BY THE OFFICE OF CHILDREN AND FAMILY SERVICES, from performing a lawful duty, by means including releasing or failing to control an animal under circumstances 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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of such peace officer, police officer, prosecutor as defined in subdivision thirty-one of section 1.20 of the criminal procedure law, registered nurse, licensed practical nurse, sanitation enforcement agent, New York city sanitation worker, firefighter, paramedic, technician, city marshal, traffic enforcement officer or traffic enforcement agent, OR EMPLOYEE OF A SECURE OR LIMITED SECURE RESIDENTIAL FACILITY LICENSED, CERTIFIED OR OPERATED BY THE OFFICE OF CHILDREN AND FAMILY SERVICES, he or she causes physical injury to such peace officer, police officer, prosecutor as defined in subdivision thirty-one of section 1.20 of the criminal procedure law, registered nurse, licensed practical nurse, sanitation enforcement agent, New York city sanitation worker, firefighter, paramedic, technician or medical or related personnel in a hospital emergency department, city marshal, traffic enforcement officer or traffic enforcement agent, OR EMPLOYEE OF A SECURE OR LIMITED SECURE RESIDENTIAL FACILITY LICENSED, CERTIFIED OR OPERATED BY THE OFFICE OF CHILDREN AND FAMILY SERVICES; or

11. With intent to cause physical injury to a train operator, ticket inspector, conductor, signalperson, bus operator or station agent employed by any transit agency, authority or company, public or private, whose operation is authorized by New York state or any of its political subdivisions, a city marshal, a traffic enforcement officer, traffic enforcement agent, prosecutor as defined in subdivision thirty-one of section 1.20 of the criminal procedure law, sanitation enforcement agent, New York city sanitation worker, registered nurse or licensed practical nurse OR EMPLOYEE OF A SECURE OR LIMITED SECURE RESIDENTIAL FACILITY LICENSED, CERTIFIED OR OPERATED BY THE OFFICE OF CHILDREN AND FAMILY SERVICES, he or she causes physical injury to such train operator, ticket inspector, conductor, signalperson, bus operator or station agent, city marshal, traffic enforcement officer, traffic enforcement agent, prosecutor as defined in subdivision thirty-one of section 1.20 of the criminal procedure law, registered nurse, licensed practical nurse, sanitation enforcement agent [or], New York city sanitation worker, OR EMPLOYEE OF A SECURE OR LIMITED SECURE RESIDENTIAL FACILITY LICENSED, CERTIFIED OR OPERATED BY THE OFFICE OF CHILDREN AND FAMILY SERVICES, while such employee is performing an assigned duty on, or directly related to, the operation of a train or bus, or such city marshal, traffic enforcement officer, traffic enforcement agent, prosecutor as defined in subdivision thirty-one of section 1.20 of the criminal procedure law, registered nurse, licensed practical nurse, sanitation enforcement agent [or], New York city sanitation worker, OR EMPLOYEE OF A SECURE OR LIMITED SECURE RESIDENTIAL FACILITY LICENSED, CERTIFIED OR OPERATED BY THE OFFICE OF CHILDREN AND FAMILY SERVICES, is performing an assigned duty.

S 2. This act shall take effect immediately.