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

4216

2013-2014 Regular Sessions

I N S E N A T E

March 14, 2013

Introduced by Sen. GOLDEN -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the penal law, in relation to the assault of certain public agents during the performance of their duties

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

Section 1. Subdivision 3 of section 120.05 of the penal law, as amended by chapter 377 of the laws of 2012, is amended to read as follows:

3. With intent to [prevent] CAUSE PHYSICAL INJURY AND WITH KNOWLEDGE THAT a peace officer, a police officer, 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, [from] IS performing a lawful OR ASSIGNED duty, OR WITH INTENT TO PREVENT THE PERFORMANCE OF SUCH 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 of such peace officer, police officer, 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, he or she causes physical injury to such peace officer, police officer, 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, IRRESPECTIVE OF WHETHER SUCH ASSAULT RESULTS IN IMPAIRMENT OF PHYSICAL

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

LBD09793-01-3

CONDITION OR SUBSTANTIAL PAIN AND NOTWITHSTANDING ANYTHING TO THE CONTRARY IN SUBDIVISION NINE OF SECTION 10.00 OF THIS CHAPTER; or

S 2. The penal law is amended by adding a new section 120.75 to read as follows:

S 120.75 RECKLESS ASSAULT UPON AN EMERGENCY MEDICAL SERVICE PARAMEDIC OR EMERGENCY MEDICAL SERVICE TECHNICIAN.

A PERSON IS GUILTY OF RECKLESS ASSAULT UPON AN EMERGENCY MEDICAL SERVICE PARAMEDIC OR EMERGENCY MEDICAL SERVICE TECHNICIAN WHEN HE OR SHE RECKLESSLY CAUSES PHYSICAL INJURY TO AN EMERGENCY MEDICAL SERVICE PARAMEDIC OR EMERGENCY MEDICAL SERVICE TECHNICIAN WHILE SUCH EMERGENCY MEDICAL SERVICE PARAMEDIC OR EMERGENCY MEDICAL SERVICE TECHNICIAN IS PERFORMING A LAWFUL OR ASSIGNED DUTY, IRRESPECTIVE OF WHETHER SUCH ASSAULT RESULTS IN IMPAIRMENT OF PHYSICAL CONDITION OR SUBSTANTIAL PAIN AND NOTWITHSTANDING ANYTHING TO THE CONTRARY IN SUBDIVISION NINE OF SECTION 10.00 OF THIS CHAPTER.

RECKLESS ASSAULT UPON AN EMERGENCY MEDICAL SERVICE PARAMEDIC OR EMERGENCY MEDICAL SERVICE TECHNICIAN IS A CLASS E FELONY.

S 3. Paragraph (d) of subdivision 1 of section 70.02 of the penal law, as amended by chapter 7 of the laws of 2007, is amended to read as follows:

(d) Class E violent felony offenses: an attempt to commit any of the felonies of criminal possession of a weapon in the third degree as defined in subdivision five, six, seven or eight of section 265.02 as a lesser included offense of that section as defined in section 220.20 of the criminal procedure law, persistent sexual abuse as defined in section 130.53, aggravated sexual abuse in the fourth degree as defined in section 130.65-a, falsely reporting an incident in the second degree as defined in section 240.55 [and], placing a false bomb or hazardous substance in the second degree as defined in section 240.61, AND RECKLESS ASSAULT UPON AN EMERGENCY MEDICAL SERVICE PARAMEDIC OR EMERGENCY MEDICAL SERVICE TECHNICIAN AS DEFINED IN SECTION 120.75.

S 4. This act shall take effect immediately.