

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:

1     Section 1. Subdivision 3 of section 120.05 of the penal law, as  
2 amended by chapter 377 of the laws of 2012, is amended to read as  
3 follows:  
4     3. With intent to [prevent] CAUSE PHYSICAL INJURY AND WITH KNOWLEDGE  
5 THAT a peace officer, a police officer, registered nurse, licensed prac-  
6 tical nurse, sanitation enforcement agent, New York city sanitation  
7 worker, a firefighter, including a firefighter acting as a paramedic or  
8 emergency medical technician administering first aid in the course of  
9 performance of duty as such firefighter, an emergency medical service  
10 paramedic or emergency medical service technician, or medical or related  
11 personnel in a hospital emergency department, a city marshal, a traffic  
12 enforcement officer or traffic enforcement agent, [from] IS performing a  
13 lawful OR ASSIGNED duty, OR WITH INTENT TO PREVENT THE PERFORMANCE OF  
14 SUCH DUTY by means including releasing or failing to control an animal  
15 under circumstances evincing the actor's intent that the animal obstruct  
16 the lawful activity of such peace officer, police officer, registered  
17 nurse, licensed practical nurse, sanitation enforcement agent, New York  
18 city sanitation worker, firefighter, paramedic, technician, city  
19 marshal, traffic enforcement officer or traffic enforcement agent, he or  
20 she causes physical injury to such peace officer, police officer, regis-  
21 tered nurse, licensed practical nurse, sanitation enforcement agent, New  
22 York city sanitation worker, firefighter, paramedic, technician or  
23 medical or related personnel in a hospital emergency department, city  
24 marshal, traffic enforcement officer or traffic enforcement agent, IRRE-  
25 SPECTIVE 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

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

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

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

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

16 RECKLESS ASSAULT UPON AN EMERGENCY MEDICAL SERVICE PARAMEDIC OR EMER-  
17 GENCY MEDICAL SERVICE TECHNICIAN IS A CLASS E FELONY.

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

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

32 S 4. This act shall take effect immediately.