

6328

I N S E N A T E

January 14, 2014

Introduced by Sen. MAZIARZ -- 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 assault on a member of an auxiliary police program

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

1 Section 1. This act shall be known and may be cited as the "auxiliary
2 police officer protection act".

3 S 2. Paragraph (b) of subdivision 1 of section 70.02 of the penal law,
4 as amended by chapter 1 of the laws of 2013, is amended to read as
5 follows:

6 (b) Class C violent felony offenses: an attempt to commit any of the
7 class B felonies set forth in paragraph (a) of this subdivision; aggra-
8 vated criminally negligent homicide as defined in section 125.11, aggra-
9 vated manslaughter in the second degree as defined in section 125.21,
10 aggravated sexual abuse in the second degree as defined in section
11 130.67, assault on a peace officer, police officer, [fireman or] FIRE-
12 FIGHTER, emergency medical services professional, OR MEMBER OF AN AUXIL-
13 IARY POLICE PROGRAM, WHILE ON DUTY, as defined in section 120.08,
14 assault on a judge as defined in section 120.09, gang assault in the
15 second degree as defined in section 120.06, strangulation in the first
16 degree as defined in section 121.13, burglary in the second degree as
17 defined in section 140.25, robbery in the second degree as defined in
18 section 160.10, criminal possession of a weapon in the second degree as
19 defined in section 265.03, criminal use of a firearm in the second
20 degree as defined in section 265.08, criminal sale of a firearm in the
21 second degree as defined in section 265.12, criminal sale of a firearm
22 with the aid of a minor as defined in section 265.14, aggravated crimi-
23 nal possession of a weapon as defined in section 265.19, soliciting or
24 providing support for an act of terrorism in the first degree as defined
25 in section 490.15, hindering prosecution of terrorism in the second
26 degree as defined in section 490.30, and criminal possession of a chemi-
27 cal weapon or biological weapon in the third degree as defined in
28 section 490.37.

29 S 3. Subdivision 3 of section 120.05 of the penal law, as amended by
30 chapter 259 of the laws of 2013, is amended to read as follows:

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

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1 3. With intent to prevent a peace officer, a police officer, prosecu-
2 tor as defined in subdivision thirty-one of section 1.20 of the criminal
3 procedure law, registered nurse, licensed practical nurse, sanitation
4 enforcement agent, New York city sanitation worker, a firefighter,
5 including a firefighter acting as a paramedic or emergency medical tech-
6 nician administering first aid in the course of performance of duty as
7 such firefighter, an emergency medical service paramedic or emergency
8 medical service technician, or medical or related personnel in a hospi-
9 tal emergency department, a city marshal, a traffic enforcement officer
10 or traffic enforcement agent, OR A MEMBER OF AN AUXILIARY POLICE PROGRAM
11 ORGANIZED AND MAINTAINED BY A STATE OR LOCAL POLICE DEPARTMENT WHILE
12 PERFORMING HIS OR HER DUTIES AS SUCH AUXILIARY POLICE OFFICER, from
13 performing a lawful duty, by means including releasing or failing to
14 control an animal under circumstances evincing the actor's intent that
15 the animal obstruct the lawful activity of such peace officer, police
16 officer, prosecutor as defined in subdivision thirty-one of section 1.20
17 of the criminal procedure law, registered nurse, licensed practical
18 nurse, sanitation enforcement agent, New York city sanitation worker,
19 firefighter, paramedic, technician, city marshal, traffic enforcement
20 officer or traffic enforcement agent, OR MEMBER OF AN AUXILIARY POLICE
21 PROGRAM, he or she causes physical injury to such peace officer, police
22 officer, prosecutor as defined in subdivision thirty-one of section 1.20
23 of the criminal procedure law, registered nurse, licensed practical
24 nurse, sanitation enforcement agent, New York city sanitation worker,
25 firefighter, paramedic, technician or medical or related personnel in a
26 hospital emergency department, city marshal, traffic enforcement officer
27 or traffic enforcement agent, OR ON-DUTY MEMBER OF AN AUXILIARY POLICE
28 PROGRAM; or

29 S 4. Section 120.08 of the penal law, as added by chapter 632 of the
30 laws of 1996, is amended to read as follows:

31 S 120.08 Assault on a peace officer, police officer, [fireman or] FIRE-
32 FIGHTER, emergency medical services professional, OR ON-DUTY
33 MEMBER OF AN AUXILIARY POLICE PROGRAM.

34 A person is guilty of assault on a peace officer, police officer,
35 [fireman or] FIREFIGHTER, emergency medical services professional, OR
36 ON-DUTY MEMBER OF AN AUXILIARY POLICE PROGRAM when, with intent to
37 prevent a peace officer, A police officer, a [fireman] FIREFIGHTER,
38 including a [fireman] FIREFIGHTER acting as a paramedic or emergency
39 medical technician administering first aid in the course of performance
40 of duty as such [fireman] FIREFIGHTER, [or] an emergency medical service
41 paramedic [or], AN emergency medical service technician, OR A MEMBER OF
42 AN AUXILIARY POLICE PROGRAM ORGANIZED AND MAINTAINED BY A STATE OR LOCAL
43 POLICE DEPARTMENT WHILE PERFORMING HIS OR HER DUTIES AS SUCH AUXILIARY
44 POLICE OFFICER, from performing a lawful duty, he OR SHE causes serious
45 physical injury to such peace officer, police officer, [fireman] FIRE-
46 FIGHTER, paramedic [or], technician, OR ON-DUTY MEMBER OF AN AUXILIARY
47 POLICE PROGRAM.

48 Assault on a peace officer, police officer, [fireman or] FIREFIGHTER,
49 emergency medical services professional, OR ON-DUTY MEMBER OF AN AUXIL-
50 IARY POLICE PROGRAM is a class C felony.

51 S 5. This act shall take effect on the ninetieth day after it shall
52 have become a law provided that if the provisions of chapter 259 of the
53 laws of 2013 shall not have become a law on or before such date then the
54 provisions of section three of this act shall take effect on the same
55 date and same manner as chapter 259 of the laws of 2013 takes effect.