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

6416

I N S E N A T E

January 22, 2014

Introduced by Sen. HOYLMAN -- 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:

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

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

(b) Class C violent felony offenses: an attempt to commit any of the class B felonies set forth in paragraph (a) of this subdivision; aggravated criminally negligent homicide as defined in section 125.11, aggravated manslaughter in the second degree as defined in section 125.21, aggravated sexual abuse in the second degree as defined in section 130.67, assault on a peace officer, police officer, [fireman or] FIREFIGHTER, emergency medical services professional, OR MEMBER OF AN AUXILIARY POLICE PROGRAM, WHILE ON DUTY, as defined in section 120.08, assault on a judge as defined in section 120.09, gang assault in the second degree as defined in section 120.06, strangulation in the first degree as defined in section 121.13, burglary in the second degree as defined in section 140.25, robbery in the second degree as defined in section 160.10, criminal possession of a weapon in the second degree as defined in section 265.03, criminal use of a firearm in the second degree as defined in section 265.08, criminal sale of a firearm in the second degree as defined in section 265.12, criminal sale of a firearm with the aid of a minor as defined in section 265.14, aggravated criminal possession of a weapon as defined in section 265.19, soliciting or providing support for an act of terrorism in the first degree as defined in section 490.15, hindering prosecution of terrorism in the second degree as defined in section 490.30, and criminal possession of a chemical weapon or biological weapon in the third degree as defined in section 490.37.

S 3. Subdivision 3 of section 120.05 of the penal law, as amended by 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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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 A MEMBER OF AN AUXILIARY POLICE PROGRAM ORGANIZED AND MAINTAINED BY A STATE OR LOCAL POLICE DEPARTMENT WHILE PERFORMING HIS OR HER DUTIES AS SUCH AUXILIARY POLICE OFFICER, 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 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 MEMBER OF AN AUXILIARY POLICE PROGRAM, 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 ON-DUTY MEMBER OF AN AUXILIARY POLICE PROGRAM; or

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

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

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

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

S 5. This act shall take effect on the ninetieth day after it shall have become a law; provided, however, that the amendments to subdivision 3 of section 120.05 of the penal law made by section three of this act shall take effect on the same date and in the same manner as chapter 259 of the laws of 2013, takes effect.