

1250

2015-2016 Regular Sessions

I N A S S E M B L Y

January 8, 2015

Introduced by M. of A. LAVINE, SCHIMMINGER, WEPRIN -- Multi-Sponsored by
-- M. of A. BUCHWALD, LENTOL, McKEVITT -- read once and referred to
the Committee on Codes

AN ACT to amend the penal law, in relation to assaults upon process
servers

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

1 Section 1. Subdivisions 10, 11 and 12 of section 120.05 of the penal
2 law, subdivision 10 as added by chapter 181 of the laws of 2000, subdi-
3 vision 11 as amended by chapter 196 of the laws of 2014 and subdivision
4 12 as added by chapter 68 of the laws of 2008, are amended and a new
5 subdivision 13 is added to read as follows:
6 10. Acting at a place the person knows, or reasonably should know, is
7 on school grounds and with intent to cause physical injury, he or she:
8 (a) causes such injury to an employee of a school or public school
9 district; or
10 (b) not being a student of such school or public school district,
11 causes physical injury to another, and such other person is a student of
12 such school who is attending or present for educational purposes. For
13 purposes of this subdivision the term "school grounds" shall have the
14 meaning set forth in subdivision fourteen of section 220.00 of this
15 chapter[.]; OR
16 11. With intent to cause physical injury to a train operator, ticket
17 inspector, conductor, signalperson, bus operator or station agent
18 employed by any transit agency, authority or company, public or private,
19 whose operation is authorized by New York state or any of its political
20 subdivisions, a city marshal, a school crossing guard appointed pursuant
21 to section two hundred eight-a of the general municipal law, a traffic
22 enforcement officer, traffic enforcement agent, prosecutor as defined in
23 subdivision thirty-one of section 1.20 of the criminal procedure law,
24 sanitation enforcement agent, New York city sanitation worker, regis-

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

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1 tered nurse or licensed practical nurse he or she causes physical injury
2 to such train operator, ticket inspector, conductor, signalperson, bus
3 operator or station agent, city marshal, school crossing guard appointed
4 pursuant to section two hundred eight-a of the general municipal law,
5 traffic enforcement officer, traffic enforcement agent, prosecutor as
6 defined in subdivision thirty-one of section 1.20 of the criminal proce-
7 dure law, registered nurse, licensed practical nurse, sanitation
8 enforcement agent or New York city sanitation worker, while such employ-
9 ee is performing an assigned duty on, or directly related to, the opera-
10 tion of a train or bus, or such city marshal, school crossing guard,
11 traffic enforcement officer, traffic enforcement agent, prosecutor as
12 defined in subdivision thirty-one of section 1.20 of the criminal proce-
13 dure law, registered nurse, licensed practical nurse, sanitation
14 enforcement agent or New York city sanitation worker, is performing an
15 assigned duty[.]; OR

16 12. With intent to cause physical injury to a person who is sixty-five
17 years of age or older, he or she causes such injury to such person, and
18 the actor is more than ten years younger than such person[.]; OR

19 13. WITH INTENT TO PREVENT OR OBSTRUCT A PROCESS SERVER, AS DEFINED IN
20 SECTION EIGHTY-NINE-T OF THE GENERAL BUSINESS LAW, FROM PERFORMING A
21 LAWFUL DUTY PURSUANT TO ARTICLE THREE OF THE CIVIL PRACTICE LAW AND
22 RULES, OR INTENTIONALLY, AS RETALIATION AGAINST SUCH A PROCESS SERVER
23 FOR THE PERFORMANCE OF THE PROCESS SERVER'S DUTIES PURSUANT TO SUCH
24 ARTICLE, INCLUDING BY MEANS OF RELEASING OR FAILING TO CONTROL AN ANIMAL
25 EVINCING THE ACTOR'S INTENT THAT THE ANIMAL PREVENT OR OBSTRUCT THE
26 LAWFUL DUTY OF THE PROCESS SERVER OR AS RETALIATION AGAINST THE PROCESS
27 SERVER, HE OR SHE CAUSES PHYSICAL INJURY TO SUCH PROCESS SERVER.

28 S 2. This act shall take effect on the first of November next succeed-
29 ing the date on which it shall have become a law.