

4738

2015-2016 Regular Sessions

I N   A S S E M B L Y

February 5, 2015

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Introduced by M. of A. MOYA -- read once and referred to the Committee  
on Codes

AN ACT to amend the penal law, in relation to elevating an assault of a  
utility worker to the class D felony of assault in the second degree

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

1     Section 1. Subdivision 3 of section 120.05 of the penal law, as  
2 amended by chapter 196 of the laws of 2014, is amended to read as  
3 follows:  
4     3. With intent to prevent a peace officer, a police officer, prosecu-  
5 tor as defined in subdivision thirty-one of section 1.20 of the criminal  
6 procedure law, registered nurse, licensed practical nurse, sanitation  
7 enforcement agent, New York city sanitation worker, a firefighter,  
8 including a firefighter acting as a paramedic or emergency medical tech-  
9 nician administering first aid in the course of performance of duty as  
10 such firefighter, an emergency medical service paramedic or emergency  
11 medical service technician, or medical or related personnel in a hospi-  
12 tal emergency department, a city marshal, a school crossing guard  
13 appointed pursuant to section two hundred eight-a of the general municipi-  
14 pal law, a traffic enforcement officer [or], traffic enforcement agent  
15 OR EMPLOYEE OF ANY ENTITY GOVERNED BY THE PUBLIC SERVICE LAW IN THE  
16 COURSE OF PERFORMING AN ESSENTIAL SERVICE, from performing a lawful  
17 duty, by means including releasing or failing to control an animal under  
18 circumstances evincing the actor's intent that the animal obstruct the  
19 lawful activity of such peace officer, police officer, prosecutor as  
20 defined in subdivision thirty-one of section 1.20 of the criminal proce-  
21 dure law, registered nurse, licensed practical nurse, sanitation  
22 enforcement agent, New York city sanitation worker, firefighter,  
23 paramedic, technician, city marshal, school crossing guard appointed  
24 pursuant to section two hundred eight-a of the general municipal law,  
25 traffic enforcement officer [or], traffic enforcement agent OR EMPLOYEE

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

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1 OF AN ENTITY GOVERNED BY THE PUBLIC SERVICE LAW, he or she causes phys-  
2 ical injury to such peace officer, police officer, prosecutor as defined  
3 in subdivision thirty-one of section 1.20 of the criminal procedure law,  
4 registered nurse, licensed practical nurse, sanitation enforcement  
5 agent, New York city sanitation worker, firefighter, paramedic, techni-  
6 cian or medical or related personnel in a hospital emergency department,  
7 city marshal, school crossing guard, traffic enforcement officer [or],  
8 traffic enforcement agent OR EMPLOYEE OF AN ENTITY GOVERNED BY THE  
9 PUBLIC SERVICE LAW; or  
10 S 2. This act shall take effect on the first of November next succeed-  
11 ing the date on which it shall have become a law.