

1813

2015-2016 Regular Sessions

I N S E N A T E

January 14, 2015

Introduced by Sen. LAVALLE -- 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 assaults on department of sanitation workers and nursing professionals

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

1 Section 1. Subdivisions 3 and 11 of section 120.05 of the penal law,
2 as amended by chapter 196 of the laws of 2014, are 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] A NURSING PROFESSIONAL INCLUDING NURSE PRAC-
7 TITIONER, CERTIFIED OR LICENSED nurse PRACTITIONERS, CERTIFIED NURSING
8 ASSISTANTS AND, licensed practical [nurse] NURSES, sanitation enforce-
9 ment agent, [New York city] sanitation worker, a firefighter, including
10 a firefighter acting as a paramedic or emergency medical technician
11 administering first aid in the course of performance of duty as such
12 firefighter, an emergency medical service paramedic or emergency medical
13 service technician, or medical or related personnel in a hospital emer-
14 gency department, a city marshal, a school crossing guard appointed
15 pursuant to section two hundred eight-a of the general municipal law, a
16 traffic enforcement officer or traffic enforcement agent, from perform-
17 ing a lawful duty, by means including releasing or failing to control an
18 animal under circumstances evincing the actor's intent that the animal
19 obstruct the lawful activity of such peace officer, police officer,
20 prosecutor as defined in subdivision thirty-one of section 1.20 of the
21 criminal procedure law, [registered nurse, licensed practical nurse]
22 NURSING PROFESSIONAL, sanitation enforcement agent, [New York city]
23 sanitation worker, firefighter, paramedic, technician, city marshal,
24 school crossing guard appointed pursuant to section two hundred eight-a
25 of the general municipal law, traffic enforcement officer or traffic

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

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1 enforcement agent, he or she causes physical injury to such peace offi-
2 cer, police officer, prosecutor as defined in subdivision thirty-one of
3 section 1.20 of the criminal procedure law, [registered nurse, licensed
4 practical nurse] NURSING PROFESSIONAL, sanitation enforcement agent,
5 [New York city] sanitation worker, firefighter, paramedic, technician or
6 medical or related personnel in a hospital emergency department, city
7 marshal, school crossing guard, traffic enforcement officer or traffic
8 enforcement agent; or

9 11. With intent to cause physical injury to a train operator, ticket
10 inspector, conductor, signalperson, bus operator or station agent
11 employed by any transit agency, authority or company, public or private,
12 whose operation is authorized by New York state or any of its political
13 subdivisions, a city marshal, a school crossing guard appointed pursuant
14 to section two hundred eight-a of the general municipal law, a traffic
15 enforcement officer, traffic enforcement agent, prosecutor as defined in
16 subdivision thirty-one of section 1.20 of the criminal procedure law,
17 sanitation enforcement agent, [New York city] sanitation worker, [regis-
18 tered] A NURSING PROFESSIONAL INCLUDING nurse PRACTITIONERS, CERTIFIED
19 or licensed practical [nurse] NURSES, he or she causes physical injury
20 to such train operator, ticket inspector, conductor, signalperson, bus
21 operator or station agent, city marshal, school crossing guard appointed
22 pursuant to section two hundred eight-a of the general municipal law,
23 traffic enforcement officer, traffic enforcement agent, prosecutor as
24 defined in subdivision thirty-one of section 1.20 of the criminal proce-
25 dure law, [registered nurse, licensed practical nurse] NURSING PROFES-
26 SIONAL, sanitation enforcement agent or [New York city] sanitation work-
27 er, while such employee is performing an assigned duty on, or directly
28 related to, the operation of a train or bus, or such city marshal,
29 school crossing guard, traffic enforcement officer, traffic enforcement
30 agent, prosecutor as defined in subdivision thirty-one of section 1.20
31 of the criminal procedure law, [registered nurse, licensed practical
32 nurse] NURSING PROFESSIONAL, sanitation enforcement agent or [New York
33 city] sanitation worker, is performing an assigned duty.

34 S 2. This act shall take effect on the ninetieth day after it shall
35 have become a law.