

1974--A

2015-2016 Regular Sessions

I N S E N A T E

January 15, 2015

Introduced by Sens. GRIFFO, AVELLA -- read twice and ordered printed, and when printed to be committed to the Committee on Codes -- recommended to the Committee on Codes in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the penal law, in relation to including employees of the office of children and family services on the list of public employees for which prevention of duties qualifies as assault in the second degree

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 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, OR
15 EMPLOYEE OF A SECURE OR LIMITED SECURE RESIDENTIAL FACILITY LICENSED,
16 CERTIFIED OR OPERATED BY THE OFFICE OF CHILDREN AND FAMILY SERVICES,
17 from performing a lawful duty, by means including releasing or failing
18 to control an animal under circumstances evincing the actor's intent
19 that the animal obstruct the lawful activity of such peace officer,
20 police officer, prosecutor as defined in subdivision thirty-one of

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

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1 section 1.20 of the criminal procedure law, registered nurse, licensed
2 practical nurse, sanitation enforcement agent, New York city sanitation
3 worker, firefighter, paramedic, technician, city marshal, school cross-
4 ing guard appointed pursuant to section two hundred eight-a of the
5 general municipal law, traffic enforcement officer or traffic enforce-
6 ment agent, OR EMPLOYEE OF A SECURE OR LIMITED SECURE RESIDENTIAL FACIL-
7 ITY LICENSED, CERTIFIED OR OPERATED BY THE OFFICE OF CHILDREN AND FAMILY
8 SERVICES, he or she causes physical injury to such peace officer, police
9 officer, prosecutor as defined in subdivision thirty-one of section 1.20
10 of the criminal procedure law, registered nurse, licensed practical
11 nurse, sanitation enforcement agent, New York city sanitation worker,
12 firefighter, paramedic, technician or medical or related personnel in a
13 hospital emergency department, city marshal, school crossing guard,
14 traffic enforcement officer or traffic enforcement agent, OR EMPLOYEE OF
15 A SECURE OR LIMITED SECURE RESIDENTIAL FACILITY LICENSED, CERTIFIED OR
16 OPERATED BY THE OFFICE OF CHILDREN AND FAMILY SERVICES; or

17 11. With intent to cause physical injury to a train operator, ticket
18 inspector, conductor, signalperson, bus operator or station agent
19 employed by any transit agency, authority or company, public or private,
20 whose operation is authorized by New York state or any of its political
21 subdivisions, a city marshal, a school crossing guard appointed pursuant
22 to section two hundred eight-a of the general municipal law, a traffic
23 enforcement officer, traffic enforcement agent, prosecutor as defined in
24 subdivision thirty-one of section 1.20 of the criminal procedure law,
25 sanitation enforcement agent, New York city sanitation worker, regis-
26 tered nurse or licensed practical nurse OR EMPLOYEE OF A SECURE OR
27 LIMITED SECURE RESIDENTIAL FACILITY LICENSED, CERTIFIED OR OPERATED BY
28 THE OFFICE OF CHILDREN AND FAMILY SERVICES, he or she causes physical
29 injury to such train operator, ticket inspector, conductor, signalper-
30 son, bus operator or station agent, city marshal, school crossing guard
31 appointed pursuant to section two hundred eight-a of the general municip-
32 al law, traffic enforcement officer, traffic enforcement agent, prose-
33 cutor as defined in subdivision thirty-one of section 1.20 of the crimi-
34 nal procedure law, registered nurse, licensed practical nurse,
35 sanitation enforcement agent [or], New York city sanitation worker, OR
36 EMPLOYEE OF A SECURE OR LIMITED SECURE RESIDENTIAL FACILITY LICENSED,
37 CERTIFIED OR OPERATED BY THE OFFICE OF CHILDREN AND FAMILY SERVICES,
38 while such employee is performing an assigned duty on, or directly
39 related to, the operation of a train or bus, or such city marshal,
40 school crossing guard, traffic enforcement officer, traffic enforcement
41 agent, prosecutor as defined in subdivision thirty-one of section 1.20
42 of the criminal procedure law, registered nurse, licensed practical
43 nurse, sanitation enforcement agent or New York city sanitation worker,
44 OR EMPLOYEE OF A SECURE OR LIMITED SECURE RESIDENTIAL FACILITY LICENSED,
45 CERTIFIED OR OPERATED BY THE OFFICE OF CHILDREN AND FAMILY SERVICES is
46 performing an assigned duty.

47 S 2. Subdivision 11 of section 120.05 of the penal law, as amended by
48 chapter 487 of the laws of 2015, is amended to read as follows:

49 11. With intent to cause physical injury to a train operator, ticket
50 inspector, conductor, signalperson, bus operator or station agent
51 employed by any transit agency, authority or company, public or private,
52 whose operation is authorized by New York state or any of its political
53 subdivisions, a city marshal, a school crossing guard appointed pursuant
54 to section two hundred eight-a of the general municipal law, a traffic
55 enforcement officer, traffic enforcement agent, prosecutor as defined in
56 subdivision thirty-one of section 1.20 of the criminal procedure law,

1 sanitation enforcement agent, New York city sanitation worker, regis-
2 tered nurse, licensed practical nurse, emergency medical service
3 paramedic, [or], emergency medical service technician , OR EMPLOYEE OF A
4 SECURE OR LIMITED SECURE RESIDENTIAL FACILITY LICENSED, CERTIFIED OR
5 OPERATED BY THE OFFICE OF CHILDREN AND FAMILY SERVICES , he or she caus-
6 es physical injury to such train operator, ticket inspector, conductor,
7 signalperson, bus operator or station agent, city marshal, school cross-
8 ing guard appointed pursuant to section two hundred eight-a of the
9 general municipal law, traffic enforcement officer, traffic enforcement
10 agent, prosecutor as defined in subdivision thirty-one of section 1.20
11 of the criminal procedure law, registered nurse, licensed practical
12 nurse, sanitation enforcement agent, New York city sanitation worker,
13 emergency medical service paramedic, [or] emergency medical service
14 technician, OR EMPLOYEE OF A SECURE OR LIMITED SECURE RESIDENTIAL FACIL-
15 ITY LICENSED, CERTIFIED OR OPERATED BY THE OFFICE OF CHILDREN AND FAMILY
16 SERVICES, while such employee is performing an assigned duty on, or
17 directly related to, the operation of a train or bus, or such city
18 marshal, school crossing guard, traffic enforcement officer, traffic
19 enforcement agent, prosecutor as defined in subdivision thirty-one of
20 section 1.20 of the criminal procedure law, registered nurse, licensed
21 practical nurse, sanitation enforcement agent, New York city sanitation
22 worker, emergency medical service paramedic, [or] emergency medical
23 service technician, OR EMPLOYEE OF A SECURE OR LIMITED SECURE RESIDEN-
24 TIAL FACILITY LICENSED, CERTIFIED OR OPERATED BY THE OFFICE OF CHILDREN
25 AND FAMILY SERVICES is performing an assigned duty.

26 S 3. Subdivisions 3 and 11 of section 120.05 of the penal law, as
27 amended by chapter 472 and subdivision 11 as separately amended by chap-
28 ter 487 of the laws of 2015, are amended to read as follows:

29 3. With intent to prevent a peace officer, a police officer, prosecu-
30 tor as defined in subdivision thirty-one of section 1.20 of the criminal
31 procedure law, registered nurse, licensed practical nurse, public health
32 sanitarian, New York city public health sanitarian, sanitation enforce-
33 ment agent, New York city sanitation worker, a firefighter, including a
34 firefighter acting as a paramedic or emergency medical technician admin-
35 istering first aid in the course of performance of duty as such fire-
36 fighter, an emergency medical service paramedic or emergency medical
37 service technician, or medical or related personnel in a hospital emer-
38 gency department, a city marshal, a school crossing guard appointed
39 pursuant to section two hundred eight-a of the general municipal law, a
40 traffic enforcement officer or traffic enforcement agent, OR EMPLOYEE OF
41 A SECURE OR LIMITED SECURE RESIDENTIAL FACILITY LICENSED, CERTIFIED OR
42 OPERATED BY THE OFFICE OF CHILDREN AND FAMILY SERVICES, from performing
43 a lawful duty, by means including releasing or failing to control an
44 animal under circumstances evincing the actor's intent that the animal
45 obstruct the lawful activity of such peace officer, police officer,
46 prosecutor as defined in subdivision thirty-one of section 1.20 of the
47 criminal procedure law, registered nurse, licensed practical nurse,
48 public health sanitarian, New York city public health sanitarian, sani-
49 tation enforcement agent, New York city sanitation worker, firefighter,
50 paramedic, technician, city marshal, school crossing guard appointed
51 pursuant to section two hundred eight-a of the general municipal law,
52 traffic enforcement officer or traffic enforcement agent, OR EMPLOYEE OF
53 A SECURE OR LIMITED SECURE RESIDENTIAL FACILITY LICENSED, CERTIFIED OR
54 OPERATED BY THE OFFICE OF CHILDREN AND FAMILY SERVICES, he or she causes
55 physical injury to such peace officer, police officer, prosecutor as
56 defined in subdivision thirty-one of section 1.20 of the criminal proce-

1 dure law, registered nurse, licensed practical nurse, public health
2 sanitarian, New York city public health sanitarian, sanitation enforce-
3 ment agent, New York city sanitation worker, firefighter, paramedic,
4 technician or medical or related personnel in a hospital emergency
5 department, city marshal, school crossing guard, traffic enforcement
6 officer or traffic enforcement agent, OR EMPLOYEE OF A SECURE OR LIMITED
7 SECURE RESIDENTIAL FACILITY LICENSED, CERTIFIED OR OPERATED BY THE
8 OFFICE OF CHILDREN AND FAMILY SERVICES; 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, public
18 health sanitarian, New York city public health sanitarian, registered
19 nurse, licensed practical nurse, emergency medical service paramedic, or
20 emergency medical service technician, OR EMPLOYEE OF A SECURE OR LIMITED
21 SECURE RESIDENTIAL FACILITY LICENSED, CERTIFIED OR OPERATED BY THE
22 OFFICE OF CHILDREN AND FAMILY SERVICES, he or she causes physical injury
23 to such train operator, ticket inspector, conductor, signalperson, bus
24 operator or station agent, city marshal, school crossing guard appointed
25 pursuant to section two hundred eight-a of the general municipal law,
26 traffic enforcement officer, traffic enforcement agent, prosecutor as
27 defined in subdivision thirty-one of section 1.20 of the criminal proce-
28 dure law, registered nurse, licensed practical nurse, public health
29 sanitarian, New York city public health sanitarian, sanitation enforce-
30 ment agent, New York city sanitation worker, emergency medical service
31 paramedic, [or] emergency medical service technician, OR EMPLOYEE OF A
32 SECURE OR LIMITED SECURE RESIDENTIAL FACILITY LICENSED, CERTIFIED OR
33 OPERATED BY THE OFFICE OF CHILDREN AND FAMILY SERVICES, while such
34 employee is performing an assigned duty on, or directly related to, the
35 operation of a train or bus, or such city marshal, school crossing
36 guard, traffic enforcement officer, traffic enforcement agent, prosecu-
37 tor as defined in subdivision thirty-one of section 1.20 of the criminal
38 procedure law, registered nurse, licensed practical nurse, public health
39 sanitarian, New York city public health sanitarian, sanitation enforce-
40 ment agent, New York city sanitation worker, emergency medical service
41 paramedic, or emergency medical service technician, OR EMPLOYEE OF A
42 SECURE OR LIMITED SECURE RESIDENTIAL FACILITY LICENSED, CERTIFIED OR
43 OPERATED BY THE OFFICE OF CHILDREN AND FAMILY SERVICES is performing an
44 assigned duty.

45 S 4. This act shall take effect immediately; provided, however, that
46 section two of this act shall take effect on the same date and in the
47 same manner as chapter 487 of the laws of 2015, takes effect; provided,
48 further, that section three of this act shall take effect on the same
49 date and in the same manner as chapter 472 of the laws of 2015, takes
50 effect.