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

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 -- recommitted 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:

Section 1. Subdivisions 3 and 11 of section 120.05 of the penal law, as amended by chapter 196 of the laws of 2014, are amended to read as follows:

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 school crossing guard appointed pursuant to section two hundred eight-a of the general municipal law, a traffic enforcement officer or traffic enforcement agent, OR EMPLOYEE OF A SECURE OR LIMITED SECURE RESIDENTIAL FACILITY LICENSED, CERTIFIED OR OPERATED BY THE OFFICE OF CHILDREN AND FAMILY SERVICES, 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

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

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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, school crossing guard appointed pursuant to section two hundred eight-a of the general municipal law, traffic enforcement officer or traffic enforcement agent, OR EMPLOYEE OF A SECURE OR LIMITED SECURE RESIDENTIAL FACILITY LICENSED, CERTIFIED OR OPERATED BY THE OFFICE OF CHILDREN AND FAMILY SERVICES, 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, school crossing guard, traffic enforcement officer or traffic enforcement agent, OR EMPLOYEE OF A SECURE OR LIMITED SECURE RESIDENTIAL FACILITY LICENSED, CERTIFIED OR OPERATED BY THE OFFICE OF CHILDREN AND FAMILY SERVICES; or

11. With intent to cause physical injury to a train operator, ticket inspector, conductor, signalperson, bus operator or station agent employed by any transit agency, authority or company, public or private, whose operation is authorized by New York state or any of its political subdivisions, a city marshal, a school crossing guard appointed pursuant to section two hundred eight-a of the general municipal law, a traffic enforcement officer, traffic enforcement agent, prosecutor as defined in subdivision thirty-one of section 1.20 of the criminal procedure law, sanitation enforcement agent, New York city sanitation worker, registered nurse or licensed practical nurse OR EMPLOYEE OF A SECURE OR LIMITED SECURE RESIDENTIAL FACILITY LICENSED, CERTIFIED OR OPERATED BY THE OFFICE OF CHILDREN AND FAMILY SERVICES, he or she causes physical injury to such train operator, ticket inspector, conductor, signalperson, bus operator or station agent, city marshal, school crossing guard appointed pursuant to section two hundred eight-a of the general municipal law, traffic enforcement officer, traffic enforcement agent, prosecutor as defined in subdivision thirty-one of section 1.20 of the criminal procedure law, registered nurse, licensed practical nurse, sanitation enforcement agent [or], New York city sanitation worker, OR EMPLOYEE OF A SECURE OR LIMITED SECURE RESIDENTIAL FACILITY LICENSED, CERTIFIED OR OPERATED BY THE OFFICE OF CHILDREN AND FAMILY SERVICES, while such employee is performing an assigned duty on, or directly related to, the operation of a train or bus, or such city marshal, school crossing guard, traffic enforcement officer, traffic enforcement agent, prosecutor as defined in subdivision thirty-one of section 1.20 of the criminal procedure law, registered nurse, licensed practical nurse, sanitation enforcement agent or New York city sanitation worker, OR EMPLOYEE OF A SECURE OR LIMITED SECURE RESIDENTIAL FACILITY LICENSED, CERTIFIED OR OPERATED BY THE OFFICE OF CHILDREN AND FAMILY SERVICES is performing an assigned duty.

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

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

sanitation enforcement agent, New York city sanitation worker, registered nurse, licensed practical nurse, emergency medical service paramedic, [or], emergency medical service technician , OR EMPLOYEE OF A SECURE OR LIMITED SECURE RESIDENTIAL FACILITY LICENSED, CERTIFIED OR OPERATED BY THE OFFICE OF CHILDREN AND FAMILY SERVICES , he or she causes physical injury to such train operator, ticket inspector, conductor, signalperson, bus operator or station agent, city marshal, school crossing guard appointed pursuant to section two hundred eight-a of the general municipal law, traffic enforcement officer, traffic enforcement agent, 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, emergency medical service paramedic, [or] emergency medical service technician, OR EMPLOYEE OF A SECURE OR LIMITED SECURE RESIDENTIAL FACILITY LICENSED, CERTIFIED OR OPERATED BY THE OFFICE OF CHILDREN AND FAMILY SERVICES, while such employee is performing an assigned duty on, or directly related to, the operation of a train or bus, or such city marshal, school crossing guard, traffic enforcement officer, traffic enforcement agent, 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, emergency medical service paramedic, [or] emergency medical service technician, OR EMPLOYEE OF A SECURE OR LIMITED SECURE RESIDENTIAL FACILITY LICENSED, CERTIFIED OR OPERATED BY THE OFFICE OF CHILDREN AND FAMILY SERVICES is performing an assigned duty.

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

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, public health sanitarian, New York city public health sanitarian, 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 school crossing guard appointed pursuant to section two hundred eight-a of the general municipal law, a traffic enforcement officer or traffic enforcement agent, OR EMPLOYEE OF A SECURE OR LIMITED SECURE RESIDENTIAL FACILITY LICENSED, CERTIFIED OR OPERATED BY THE OFFICE OF CHILDREN AND FAMILY SERVICES, 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, public health sanitarian, New York city public health sanitarian, sanitation enforcement agent, New York city sanitation worker, firefighter, paramedic, technician, city marshal, school crossing guard appointed pursuant to section two hundred eight-a of the general municipal law, traffic enforcement officer or traffic enforcement agent, OR EMPLOYEE OF A SECURE OR LIMITED SECURE RESIDENTIAL FACILITY LICENSED, CERTIFIED OR OPERATED BY THE OFFICE OF CHILDREN AND FAMILY SERVICES, 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 proce-

dure law, registered nurse, licensed practical nurse, public health sanitarian, New York city public health sanitarian, sanitation enforcement agent, New York city sanitation worker, firefighter, paramedic, technician or medical or related personnel in a hospital emergency department, city marshal, school crossing guard, traffic enforcement officer or traffic enforcement agent, OR EMPLOYEE OF A SECURE OR LIMITED SECURE RESIDENTIAL FACILITY LICENSED, CERTIFIED OR OPERATED BY THE OFFICE OF CHILDREN AND FAMILY SERVICES; or

11. With intent to cause physical injury to a train operator, ticket inspector, conductor, signalperson, bus operator or station agent employed by any transit agency, authority or company, public or private, whose operation is authorized by New York state or any of its political subdivisions, a city marshal, a school crossing guard appointed pursuant to section two hundred eight-a of the general municipal law, a traffic enforcement officer, traffic enforcement agent, prosecutor as defined in subdivision thirty-one of section 1.20 of the criminal procedure law, sanitation enforcement agent, New York city sanitation worker, public health sanitarian, New York city public health sanitarian, registered nurse, licensed practical nurse, emergency medical service paramedic, or emergency medical service technician, OR EMPLOYEE OF A SECURE OR LIMITED SECURE RESIDENTIAL FACILITY LICENSED, CERTIFIED OR OPERATED BY THE OFFICE OF CHILDREN AND FAMILY SERVICES, he or she causes physical injury to such train operator, ticket inspector, conductor, signalperson, bus operator or station agent, city marshal, school crossing guard appointed pursuant to section two hundred eight-a of the general municipal law, traffic enforcement officer, traffic enforcement agent, prosecutor as defined in subdivision thirty-one of section 1.20 of the criminal procedure law, registered nurse, licensed practical nurse, public health sanitarian, New York city public health sanitarian, sanitation enforcement agent, New York city sanitation worker, emergency medical service paramedic, [or] emergency medical service technician, OR EMPLOYEE OF A SECURE OR LIMITED SECURE RESIDENTIAL FACILITY LICENSED, CERTIFIED OR OPERATED BY THE OFFICE OF CHILDREN AND FAMILY SERVICES, while such employee is performing an assigned duty on, or directly related to, the operation of a train or bus, or such city marshal, school crossing guard, traffic enforcement officer, traffic enforcement agent, prosecutor as defined in subdivision thirty-one of section 1.20 of the criminal procedure law, registered nurse, licensed practical nurse, public health sanitarian, New York city public health sanitarian, sanitation enforcement agent, New York city sanitation worker, emergency medical service paramedic, or emergency medical service technician, OR EMPLOYEE OF A SECURE OR LIMITED SECURE RESIDENTIAL FACILITY LICENSED, CERTIFIED OR OPERATED BY THE OFFICE OF CHILDREN AND FAMILY SERVICES is performing an assigned duty.

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