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

2991--A

2015-2016 Regular Sessions

I N S E N A T E

February 2, 2015

Introduced by Sens. YOUNG, AVELLA, FLANAGAN, FUNKE, GALLIVAN -- 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 assaults upon process servers

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

Section 1. Subdivisions 10, 11, 12 and 13 of section 120.05 of the penal law, subdivision 10 as added by chapter 181 of the laws of 2000, subdivision 11 as separately amended by chapters 472 and 487 of the laws of 2015, subdivision 12 as added by chapter 68 of the laws of 2008 and subdivision 13 as added by chapter 477 of the laws of 2015, are amended and a new subdivision 14 is added to read as follows:

10. Acting at a place the person knows, or reasonably should know, is on school grounds and with intent to cause physical injury, he or she:

(a) causes such injury to an employee of a school or public school district; or

(b) not being a student of such school or public school district, causes physical injury to another, and such other person is a student of such school who is attending or present for educational purposes. For purposes of this subdivision the term "school grounds" shall have the meaning set forth in subdivision fourteen of section 220.00 of this chapter[.]; 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

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

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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, 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, 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 is performing an assigned duty[.]; OR

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

13. Being confined to a secure treatment facility, as such term is defined in subdivision (o) of section 10.03 of the mental hygiene law, and with intent to cause physical injury to an employee of such secure treatment facility performing his or her duties, he or she causes such injury to such person[.]; OR

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

S 2. This act shall take effect on the same date and in the same manner as chapter 477 of the laws of 2015 takes effect or on the same date and in the same manner as chapter 472 of the laws of 2015 takes effect, whichever shall be later.