

4379--A

2015-2016 Regular Sessions

I N S E N A T E

March 18, 2015

Introduced by Sens. CROCI, AVELLA, BOYLE, GOLDEN, GRIFFO, HANNON, LAVALLE, MARCHIONE, NOZZOLIO, RANZENHOFER, RITCHIE, SERINO, SEWARD -- read twice and ordered printed, and when printed to be committed to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the penal law, in relation to assault on a member of the military or reserves

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

1 Section 1. Section 10.00 of the penal law is amended by adding a new  
2 subdivision 22 to read as follows:

3 22. "MEMBER OF THE MILITARY OR RESERVES" MEANS (A) A MEMBER OF THE  
4 UNITED STATES ARMY, NAVY, AIR FORCE, MARINES, COAST GUARD, ARMY NATIONAL  
5 GUARD, AIR NATIONAL GUARD AND/OR RESERVES THEREOF OR (B) A MEMBER OF THE  
6 NEW YORK GUARD OR THE NEW YORK NAVAL MILITIA.

7 S 2. Section 120.08 of the penal law, as added by chapter 632 of the  
8 laws of 1996, is amended to read as follows:

9 S 120.08 Assault on a peace officer, police officer, fireman [or], emer-  
10 gency medical services professional OR A MEMBER OF THE MILI-  
11 TARY OR RESERVES.

12 A person is guilty of assault on a peace officer, police officer,  
13 fireman [or], emergency medical services professional OR A MEMBER OF THE  
14 MILITARY OR RESERVES when, with intent to prevent a peace officer,  
15 police officer, a fireman, including a fireman acting as a paramedic or  
16 emergency medical technician administering first aid in the course of  
17 performance of duty as such fireman, [or] an emergency medical service  
18 paramedic or emergency medical service technician, OR A MEMBER OF THE  
19 MILITARY OR RESERVES, from performing a lawful duty, he causes serious  
20 physical injury to such peace officer, police officer, fireman, paramed-  
21 ic [or], technician OR A MEMBER OF THE MILITARY OR RESERVES.

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

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1 Assault on a peace officer, police officer, fireman [or], emergency  
2 medical services professional OR A MEMBER OF THE MILITARY OR RESERVES is  
3 a class C felony.  
4 S 3. This act shall take effect immediately.