

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

2401--A

2015-2016 Regular Sessions

I N A S S E M B L Y

January 16, 2015

Introduced by M. of A. BRINDISI, MILLER, PICHARDO, SKOUFIS -- Multi-Sponsored by -- M. of A. COOK, LAWRENCE, LUPARDO, McKEVITT, MOSLEY, SKARTADOS -- read once and referred to the Committee on Codes -- recommitted to the Committee on Codes in accordance with Assembly Rule 3, sec. 2 -- 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 municip-
14 al 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,

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

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

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

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

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

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

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

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

1 defined in subdivision thirty-one of section 1.20 of the criminal proce-
2 dure law, registered nurse, licensed practical nurse, public health
3 sanitarian, New York city public health sanitarian, sanitation enforce-
4 ment agent, New York city sanitation worker, firefighter, paramedic,
5 technician or medical or related personnel in a hospital emergency
6 department, city marshal, school crossing guard, traffic enforcement
7 officer or traffic enforcement agent, OR EMPLOYEE OF A SECURE OR LIMITED
8 SECURE RESIDENTIAL FACILITY LICENSED, CERTIFIED OR OPERATED BY THE
9 OFFICE OF CHILDREN AND FAMILY SERVICES; or

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

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