

4738--A

2015-2016 Regular Sessions

I N A S S E M B L Y

February 5, 2015

Introduced by M. of A. MOYA, RUSSELL, SKOUFIS, ZEBROWSKI, BRINDISI, SCHIMMINGER, WEPRIN, BRAUNSTEIN, QUART, KIM, PICHARDO, DILAN, PAULIN -- 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 elevating an assault of a utility worker to the class D felony of 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. Subdivision 3 of section 120.05 of the penal law, as
2 amended by chapter 472 of the laws of 2015, is 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, public health
7 sanitarian, New York city public health sanitarian, sanitation enforce-
8 ment agent, New York city sanitation worker, a firefighter, including a
9 firefighter acting as a paramedic or emergency medical technician admin-
10 istering first aid in the course of performance of duty as such fire-
11 fighter, an emergency medical service paramedic or emergency medical
12 service technician, or medical or related personnel in a hospital emer-
13 gency department, a city marshal, a school crossing guard appointed
14 pursuant to section two hundred eight-a of the general municipal law, a
15 traffic enforcement officer [or], traffic enforcement agent OR EMPLOYEE
16 OF ANY ENTITY GOVERNED BY THE PUBLIC SERVICE LAW IN THE COURSE OF
17 PERFORMING AN ESSENTIAL SERVICE, from performing a lawful duty, by means
18 including releasing or failing to control an animal under circumstances
19 evincing the actor's intent that the animal obstruct the lawful activity
20 of such peace officer, police officer, prosecutor as defined in subdivi-
21 sion thirty-one of section 1.20 of the criminal procedure law, regis-

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

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1 tered nurse, licensed practical nurse, public health sanitarian, New
2 York city public health sanitarian, sanitation enforcement agent, New
3 York city sanitation worker, firefighter, paramedic, technician, city
4 marshal, school crossing guard appointed pursuant to section two hundred
5 eight-a of the general municipal law, traffic enforcement officer [or],
6 traffic enforcement agent OR EMPLOYEE OF AN ENTITY GOVERNED BY THE
7 PUBLIC SERVICE LAW, he or she causes physical injury to such peace offi-
8 cer, police officer, prosecutor as defined in subdivision thirty-one of
9 section 1.20 of the criminal procedure law, registered nurse, licensed
10 practical nurse, public health sanitarian, New York city public health
11 sanitarian, sanitation enforcement agent, New York city sanitation work-
12 er, firefighter, paramedic, technician or medical or related personnel
13 in a hospital emergency department, city marshal, school crossing guard,
14 traffic enforcement officer [or], traffic enforcement agent OR EMPLOYEE
15 OF AN ENTITY GOVERNED BY THE PUBLIC SERVICE LAW; or
16 S 2. This act shall take effect on the same date and in the same
17 manner as chapter 472 of the laws of 2015 takes effect.