

122--A

2015-2016 Regular Sessions

I N   S E N A T E

(PREFILED)

January 7, 2015

---

Introduced by Sen. HOYLMAN -- 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 assault on a member of an auxiliary police program

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

1     Section 1. This act shall be known and may be cited as the "auxiliary  
2     police officer protection act".  
3     S 2. Paragraph (b) of subdivision 1 of section 70.02 of the penal law,  
4     as amended by chapter 1 of the laws of 2013, is amended to read as  
5     follows:  
6     (b) Class C violent felony offenses: an attempt to commit any of the  
7     class B felonies set forth in paragraph (a) of this subdivision; aggra-  
8     vated criminally negligent homicide as defined in section 125.11, aggra-  
9     vated manslaughter in the second degree as defined in section 125.21,  
10    aggravated sexual abuse in the second degree as defined in section  
11    130.67, assault on a peace officer, police officer, [fireman or] FIRE-  
12    FIGHTER, emergency medical services professional, OR MEMBER OF AN AUXIL-  
13    IARY POLICE PROGRAM, WHILE ON DUTY, as defined in section 120.08,  
14    assault on a judge as defined in section 120.09, gang assault in the  
15    second degree as defined in section 120.06, strangulation in the first  
16    degree as defined in section 121.13, burglary in the second degree as  
17    defined in section 140.25, robbery in the second degree as defined in  
18    section 160.10, criminal possession of a weapon in the second degree as  
19    defined in section 265.03, criminal use of a firearm in the second  
20    degree as defined in section 265.08, criminal sale of a firearm in the  
21    second degree as defined in section 265.12, criminal sale of a firearm

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

LBD01880-02-6

1 with the aid of a minor as defined in section 265.14, aggravated criminal possession of a weapon as defined in section 265.19, soliciting or  
2 providing support for an act of terrorism in the first degree as defined  
3 in section 490.15, hindering prosecution of terrorism in the second  
4 degree as defined in section 490.30, and criminal possession of a chemical weapon or biological weapon in the third degree as defined in  
5 section 490.37.

6  
7  
8 S 3. Subdivision 3 of section 120.05 of the penal law, as amended by  
9 chapter 196 of the laws of 2014, is amended to read as follows:

10 3. With intent to prevent a peace officer, a police officer, prosecutor  
11 as defined in subdivision thirty-one of section 1.20 of the criminal  
12 procedure law, registered nurse, licensed practical nurse, sanitation  
13 enforcement agent, New York city sanitation worker, a firefighter,  
14 including a firefighter acting as a paramedic or emergency medical technician administering first aid in the course of performance of duty as  
15 such firefighter, an emergency medical service paramedic or emergency  
16 medical service technician, or medical or related personnel in a hospital emergency department, a city marshal, a school crossing guard  
17 appointed pursuant to section two hundred eight-a of the general municipal law, a traffic enforcement officer [or], A traffic enforcement agent  
18 OR A MEMBER OF AN AUXILIARY POLICE PROGRAM ORGANIZED AND MAINTAINED BY A  
19 STATE OR LOCAL POLICE DEPARTMENT WHILE PERFORMING HIS OR HER DUTIES AS  
20 SUCH AUXILIARY POLICE OFFICER, from performing a lawful duty, by means  
21 including releasing or failing to control an animal under circumstances  
22 evincing the actor's intent that the animal obstruct the lawful activity  
23 of such peace officer, police officer, prosecutor as defined in subdivision  
24 thirty-one of section 1.20 of the criminal procedure law, registered  
25 nurse, licensed practical nurse, sanitation enforcement agent, New  
26 York city sanitation worker, firefighter, paramedic, technician, city  
27 marshal, school crossing guard appointed pursuant to section two hundred  
28 eight-a of the general municipal law, traffic enforcement officer [or],  
29 traffic enforcement agent OR MEMBER OF AN AUXILIARY POLICE PROGRAM, he  
30 or she causes physical injury to such peace officer, police officer,  
31 prosecutor as defined in subdivision thirty-one of section 1.20 of the  
32 criminal procedure law, registered nurse, licensed practical nurse,  
33 sanitation enforcement agent, New York city sanitation worker, firefighter, paramedic, technician or medical or related personnel in a  
34 hospital emergency department, city marshal, school crossing guard,  
35 traffic enforcement officer [or], traffic enforcement agent OR ON-DUTY  
36 MEMBER OF AN AUXILIARY POLICE PROGRAM; or

37  
38  
39 S 4. Subdivision 3 of section 120.05 of the penal law, as amended by  
40 chapter 472 of the laws of 2015, is amended to read as follows:

41 3. With intent to prevent a peace officer, a police officer, prosecutor  
42 as defined in subdivision thirty-one of section 1.20 of the criminal  
43 procedure law, registered nurse, licensed practical nurse, public health  
44 sanitarian, New York city public health sanitarian, sanitation enforcement agent, New York city sanitation worker, a firefighter, including a  
45 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  
46 service technician, or medical or related personnel in a hospital emergency department, a city marshal, a school crossing guard appointed  
47 pursuant to section two hundred eight-a of the general municipal law, a  
48 traffic enforcement officer [or], A traffic enforcement agent OR A  
49 MEMBER OF AN AUXILIARY POLICE PROGRAM ORGANIZED AND MAINTAINED BY A  
50 STATE OR LOCAL POLICE DEPARTMENT WHILE PERFORMING HIS OR HER DUTIES AS  
51  
52  
53  
54  
55  
56

1 SUCH AUXILIARY POLICE OFFICER, from performing a lawful duty, by means  
2 including releasing or failing to control an animal under circumstances  
3 evincing the actor's intent that the animal obstruct the lawful activity  
4 of such peace officer, police officer, prosecutor as defined in subdivi-  
5 sion thirty-one of section 1.20 of the criminal procedure law, regis-  
6 tered nurse, licensed practical nurse, public health sanitarian, New  
7 York city public health sanitarian, sanitation enforcement agent, New  
8 York city sanitation worker, firefighter, paramedic, technician, city  
9 marshal, school crossing guard appointed pursuant to section two hundred  
10 eight-a of the general municipal law, traffic enforcement officer or  
11 traffic enforcement agent, he or she causes physical injury to such  
12 peace officer, police officer, prosecutor as defined in subdivision  
13 thirty-one of section 1.20 of the criminal procedure law, registered  
14 nurse, licensed practical nurse, public health sanitarian, New York city  
15 public health sanitarian, sanitation enforcement agent, New York city  
16 sanitation worker, firefighter, paramedic, technician or medical or  
17 related personnel in a hospital emergency department, city marshal,  
18 school crossing guard, traffic enforcement officer [or], A traffic  
19 enforcement agent OR ON-DUTY MEMBER OF AN AUXILIARY POLICE PROGRAM; or

20 S 5 Section 120.08 of the penal law, as added by chapter 632 of the  
21 laws of 1996, is amended to read as follows:

22 S 120.08 Assault on a peace officer, police officer, [fireman or] FIRE-  
23 FIGHTER, emergency medical services professional, OR ON-DUTY  
24 MEMBER OF AN AUXILIARY POLICE PROGRAM.

25 A person is guilty of assault on a peace officer, police officer,  
26 [fireman or] FIREFIGHTER, emergency medical services professional, OR  
27 ON-DUTY MEMBER OF AN AUXILIARY POLICE PROGRAM when, with intent to  
28 prevent a peace officer, A police officer, a [fireman] FIREFIGHTER,  
29 including a [fireman] FIREFIGHTER acting as a paramedic or emergency  
30 medical technician administering first aid in the course of performance  
31 of duty as such [fireman] FIREFIGHTER, [or] an emergency medical service  
32 paramedic [or], AND emergency medical service technician, OR A MEMBER OF  
33 AN AUXILIARY POLICE PROGRAM ORGANIZED AND MAINTAINED BY A STATE OR LOCAL  
34 POLICE DEPARTMENT WHILE PERFORMING HIS OR HER DUTIES AS SUCH AUXILIARY  
35 POLICE OFFICER, from performing a lawful duty, he OR SHE causes serious  
36 physical injury to such peace officer, police officer, [fireman] FIRE-  
37 FIGHTER, paramedic [or], technician, OR ON-DUTY MEMBER OF AN AUXILIARY  
38 POLICE PROGRAM.

39 Assault on a peace officer, police officer, [fireman or] FIREFIGHTER,  
40 emergency medical services professional, OR ON-DUTY MEMBER OF AN AUXIL-  
41 IARY POLICE PROGRAM is a class C felony.

42 S 6. This act shall take effect on the ninetieth day after it shall  
43 have become a law; provided, however, that section four of this act  
44 shall take effect on the same date and in the same manner as section 1  
45 of chapter 472 of the laws of 2015, takes effect.