

4379

2015-2016 Regular Sessions

I N   S E N A T E

March 18, 2015

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Introduced by Sens. CROCI, AVELLA, GOLDEN, GRIFFO, HANNON, LAVALLE, MARCHIONE, NOZZOLIO, SEWARD -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

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 AND/OR THE RESERVES THERE-  
7     OF.  
8     S 2. Section 120.08 of the penal law, as added by chapter 632 of the  
9     laws of 1996, is amended to read as follows:  
10    S 120.08 Assault on a peace officer, police officer, fireman, [or] emer-  
11                    gency medical services professional OR A MEMBER OF THE MILI-  
12                    TARY OR RESERVES.  
13    A person is guilty of assault on a peace officer, police officer,  
14    fireman, [or] emergency medical services professional OR A MEMBER OF THE  
15    MILITARY OR RESERVES when, with intent to prevent a peace officer,  
16    police officer, a fireman, including a fireman acting as a paramedic or  
17    emergency medical technician administering first aid in the course of  
18    performance of duty as such fireman, [or] an emergency medical service  
19    paramedic or emergency medical service technician, OR A MEMBER OF THE  
20    MILITARY OR RESERVES, from performing a lawful duty, he causes serious  
21    physical injury to such peace officer, police officer, fireman, paramed-  
22    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.