

STATE OF NEW YORK

2136

2017-2018 Regular Sessions

IN ASSEMBLY

January 17, 2017

Introduced by M. of A. BRINDISI, M. G. MILLER, PICHARDO, SKOUFIS --
Multi-Sponsored by -- M. of A. COOK, LAWRENCE, LUPARDO, McKEVITT,
MOSLEY, SKARTADOS -- read once and referred to the Committee on Codes

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 Assem-
bly, do enact as follows:

1 Section 1. Subdivisions 3 and 11 of section 120.05 of the penal law,
2 subdivision 3 as amended by chapter 267 of the laws of 2016 and subdivi-
3 sion 11 as separately amended by chapters 268 and 281 of the laws of
4 2016, are amended to read as follows:
5 3. With intent to prevent a peace officer, a police officer, prosecu-
6 tor as defined in subdivision thirty-one of section 1.20 of the criminal
7 procedure law, registered nurse, licensed practical nurse, public health
8 sanitarian, New York city public health sanitarian, sanitation enforce-
9 ment agent, New York city sanitation worker, a firefighter, including a
10 firefighter acting as a paramedic or emergency medical technician admin-
11 istering first aid in the course of performance of duty as such fire-
12 fighter, an emergency medical service paramedic or emergency medical
13 service technician, or medical or related personnel in a hospital emer-
14 gency department, a city marshal, a school crossing guard appointed
15 pursuant to section two hundred eight-a of the general municipal law, a
16 traffic enforcement officer, traffic enforcement agent or employee of
17 any entity governed by the public service law in the course of perform-
18 ing an essential service, or employee of a secure or limited secure
19 residential facility licensed, certified or operated by the office of
20 children and family services, 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

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

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1 of such peace officer, police officer, prosecutor as defined in subdivi-
2 sion thirty-one of section 1.20 of the criminal procedure law, regis-
3 tered nurse, licensed practical nurse, public health sanitarian, New
4 York city public health sanitarian, sanitation enforcement agent, New
5 York city sanitation worker, firefighter, paramedic, technician, city
6 marshal, school crossing guard appointed pursuant to section two hundred
7 eight-a of the general municipal law, traffic enforcement officer, traf-
8 fic enforcement agent or employee of an entity governed by the public
9 service law, or employee of a secure or limited secure residential
10 facility licensed, certified or operated by the office of children and
11 family services, he or she causes physical injury to such peace officer,
12 police officer, prosecutor as defined in subdivision thirty-one of
13 section 1.20 of the criminal procedure law, registered nurse, licensed
14 practical nurse, public health sanitarian, New York city public health
15 sanitarian, sanitation enforcement agent, New York city sanitation work-
16 er, firefighter, paramedic, technician or medical or related personnel
17 in a hospital emergency department, city marshal, school crossing guard,
18 traffic enforcement officer, traffic enforcement agent or employee of an
19 entity governed by the public service law, or employee of a secure or
20 limited secure residential facility licensed, certified or operated by
21 the office of children and family services; or

22 11. With intent to cause physical injury to a train operator, ticket
23 inspector, conductor, signalperson, bus operator, station agent, station
24 cleaner or terminal cleaner employed by any transit agency, authority or
25 company, public or private, whose operation is authorized by New York
26 state or any of its political subdivisions, a city marshal, a school
27 crossing guard appointed pursuant to section two hundred eight-a of the
28 general municipal law, a traffic enforcement officer, traffic enforce-
29 ment agent, prosecutor as defined in subdivision thirty-one of section
30 1.20 of the criminal procedure law, sanitation enforcement agent, New
31 York city sanitation worker, public health sanitarian, New York city
32 public health sanitarian, registered nurse, licensed practical nurse,
33 emergency medical service paramedic, [✗] emergency medical service
34 technician, or employee of a secure or limited secure residential facil-
35 ity licensed, certified or operated by the office of children and family
36 services, he or she causes physical injury to such train operator, tick-
37 et inspector, conductor, signalperson, bus operator, station agent,
38 station cleaner or terminal cleaner, city marshal, school crossing guard
39 appointed pursuant to section two hundred eight-a of the general municip-
40 al law, traffic enforcement officer, traffic enforcement agent, prose-
41 cutor as defined in subdivision thirty-one of section 1.20 of the crimi-
42 nal procedure law, registered nurse, licensed practical nurse, public
43 health sanitarian, New York city public health sanitarian, sanitation
44 enforcement agent, New York city sanitation worker, emergency medical
45 service paramedic, [✗] emergency medical service technician, or employ-
46 ee of a secure or limited secure residential facility licensed, certi-
47 fied or operated by the office of children and family services, while
48 such employee is performing an assigned duty on, or directly related to,
49 the operation of a train or bus, including the cleaning of a train or
50 bus station or terminal, or such city marshal, school crossing guard,
51 traffic enforcement officer, traffic enforcement agent, prosecutor as
52 defined in subdivision thirty-one of section 1.20 of the criminal proce-
53 dure law, registered nurse, licensed practical nurse, public health
54 sanitarian, New York city public health sanitarian, sanitation enforce-
55 ment agent, New York city sanitation worker, emergency medical service
56 paramedic, [✗] emergency medical service technician, or employee of a

1 secure or limited secure residential facility licensed, certified or
2 operated by the office of children and family services is performing an
3 assigned duty; or
4 § 2. This act shall take effect immediately.