STATE OF NEW YORK

5428--A

2017-2018 Regular Sessions

IN SENATE

March 28, 2017

Introduced by Sen. GOLDEN -- 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 peace officer, police officer, firefighter, emergency medical services professional, sanitation enforcement agent or New York city sanitation worker

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 120.08 of the penal law, as added by chapter 632 of the laws of 1996, is amended to read as follows:

§ 120.08 Assault on a peace officer, police officer, [~~fireman or~~] **firefighter,** emergency medical services professional**, sanitation enforcement agent or New York city sanitation worker in the first degree**.

A person is guilty of assault on a peace officer, police officer, [~~fireman or~~] **firefighter,** emergency medical services professional**, sanitation enforcement agent or New York city sanitation worker in the first degree** when, with intent to prevent a peace officer, police officer, a [~~fireman~~] **firefighter**, including a [~~fireman~~] **firefighter** acting as a paramedic or emergency medical technician administering first aid in the course of performance of duty as such [~~fireman~~] **firefighter**, [~~or~~] an emergency medical service paramedic or emergency medical service technician, **sanitation enforcement agent or New York city sanitation worker** from performing a lawful duty, he **or she** causes serious physical injury to such peace officer, police officer, [~~fireman~~] **firefighter**, paramedic [~~or~~]**,** technician**, sanitation enforcement agent or New York city sanitation worker**.

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

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Assault on a peace officer, police officer, [~~fireman or~~] **firefighter, emergency medical services professional, sanitation enforcement agent or New York city sanitation worker in the first degree** is a class C felony.

§ 2. The penal law is amended by adding a new section 120.08-a to read as follows:

§ 120.08-a Assault on a peace officer, police officer, firefighter, emergency medical services professional, sanitation enforcement agent or New York city sanitation worker in the second degree.

A person is guilty of assault on a peace officer, police officer, firefighter, emergency medical services professional, sanitation enforcement agent or New York city sanitation worker in the second degree when, with intent to prevent a peace officer, police officer, a firefighter, including a 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 service technician, sanitation enforcement agent, or New York city sanitation worker from performing a lawful duty, he or she causes physical injury to such peace officer, police officer, firefighter, paramedic, technician, sanitation enforcement agent or New York city sanitation worker.

Assault on a peace officer, police officer, firefighter, emergency medical services professional, sanitation enforcement agent or New York city sanitation worker in the second degree is a class D felony.

§ 3. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.