

# STATE OF NEW YORK

955

2017-2018 Regular Sessions

## IN SENATE

January 5, 2017

Introduced by Sens. CROCI, AVELLA, FUNKE, GALLIVAN, GOLDEN, HANNON, LARKIN, MARCHIONE, RANZENHOFER, 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.

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

9 § 120.08 Assault on a peace officer, police officer, fireman ~~[or]~~, emer-  
10 gency medical services professional or a member of the mili-  
11 tary or reserves.

12 A person is guilty of assault on a peace officer, police officer,  
13 fireman ~~[or]~~, emergency medical services professional or a member of the  
14 military or reserves when, with intent to prevent a peace officer,  
15 police officer, a fireman, including a fireman acting as a paramedic or  
16 emergency medical technician administering first aid in the course of  
17 performance of duty as such fireman, ~~[or]~~ an emergency medical service  
18 paramedic or emergency medical service technician, or a member of the  
19 military or reserves, from performing a lawful duty, he causes serious  
20 physical injury to such peace officer, police officer, fireman, paramed-  
21 ic ~~[or]~~, technician or a member of the military or reserves.

22 Assault on a peace officer, police officer, fireman ~~[or]~~, emergency  
23 medical services professional or a member of the military or reserves is  
24 a class C felony.

25 § 3. This act shall take effect immediately.

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

LBD00834-01-7