

# STATE OF NEW YORK

3372

2021-2022 Regular Sessions

## IN ASSEMBLY

January 26, 2021

Introduced by M. of A. PRETLOW -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to assaults on traffic enforcement agents and city marshals

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

1 Section 1. Paragraph (b) of subdivision 1 of section 70.02 of the  
2 penal law, as amended by chapter 94 of the laws of 2020, is amended to  
3 read as follows:  
4 (b) Class C violent felony offenses: an attempt to commit any of the  
5 class B felonies set forth in paragraph (a) of this subdivision; aggra-  
6 vated criminally negligent homicide as defined in section 125.11, aggra-  
7 vated manslaughter in the second degree as defined in section 125.21,  
8 aggravated sexual abuse in the second degree as defined in section  
9 130.67, assault on a peace officer, police officer, firefighter [~~or~~],  
10 emergency medical services professional, traffic enforcement agent or  
11 city marshal as defined in section 120.08, assault on a judge as defined  
12 in section 120.09, gang assault in the second degree as defined in  
13 section 120.06, strangulation in the first degree as defined in section  
14 121.13, aggravated strangulation as defined in section 121.13-a,  
15 burglary in the second degree as defined in section 140.25, robbery in  
16 the second degree as defined in section 160.10, criminal possession of a  
17 weapon in the second degree as defined in section 265.03, criminal use  
18 of a firearm in the second degree as defined in section 265.08, criminal  
19 sale of a firearm in the second degree as defined in section 265.12,  
20 criminal sale of a firearm with the aid of a minor as defined in section  
21 265.14, aggravated criminal possession of a weapon as defined in section  
22 265.19, soliciting or providing support for an act of terrorism in the  
23 first degree as defined in section 490.15, hindering prosecution of  
24 terrorism in the second degree as defined in section 490.30, and crimi-

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

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1 nal possession of a chemical weapon or biological weapon in the third  
2 degree as defined in section 490.37.

3 § 2. Section 120.08 of the penal law, as amended by chapter 476 of the  
4 laws of 2018, is amended to read as follows:

5 § 120.08 Assault on a peace officer, police officer, firefighter [~~or~~],  
6 emergency medical services professional, traffic enforcement  
7 agent or city marshal.

8 A person is guilty of assault on a peace officer, police officer,  
9 firefighter [~~or~~], emergency medical services professional, traffic  
10 enforcement agent or city marshal when, with intent to prevent a peace  
11 officer, police officer, a firefighter, including a firefighter acting  
12 as a paramedic or emergency medical technician administering first aid  
13 in the course of performance of duty as such firefighter, [~~or~~] an emer-  
14 gency medical service paramedic [~~or~~], an emergency medical service tech-  
15 nician, a traffic enforcement agent or a city marshal, from performing a  
16 lawful duty, he or she causes serious physical injury to such peace  
17 officer, police officer, firefighter, paramedic [~~or~~], technician, traf-  
18 fic enforcement agent or city marshal.

19 Assault on a peace officer, police officer, firefighter [~~or~~], emergen-  
20 cy medical services professional, traffic enforcement agent or city  
21 marshal is a class C felony.

22 § 3. This act shall take effect on the thirtieth day after it shall  
23 have become a law.