

# STATE OF NEW YORK

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748

2021-2022 Regular Sessions

## IN ASSEMBLY

(Prefiled)

January 6, 2021

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Introduced by M. of A. BUTTENSCHON, GALEF, COLTON, CRUZ, FALL, FERNANDEZ, DICKENS, SAYEGH, GRIFFIN, PICHARDO -- Multi-Sponsored by -- M. of A. COOK -- 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 Assembly, 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

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

LBD00599-01-1

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

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

1 paramedic, [~~or~~] emergency medical service technician, or employee of a  
2 secure or limited secure residential facility licensed, certified or  
3 operated by the office of children and family services is performing an  
4 assigned duty; or  
5 § 2. This act shall take effect immediately.