

# STATE OF NEW YORK

999

2021-2022 Regular Sessions

## IN ASSEMBLY

January 7, 2021

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

AN ACT to amend the penal law, in relation to increasing the offense classification for certain assault offenses regarding police officers and peace officers

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

1 Section 1. The penal law is amended by adding a new section 120.05-a  
2 to read as follows:

3 § 120.05-a Assault in the second degree on a police officer or peace  
4 officer.

5 A person is guilty of assault in the second degree on a police officer  
6 or peace officer when with intent to prevent a police officer, as  
7 defined in subdivision thirty-four of section 1.20 of the criminal  
8 procedure law, or a peace officer, as defined in section 2.10 of the  
9 criminal procedure law, from performing a lawful duty, by means includ-  
10 ing releasing or failing to control an animal under circumstances evinc-  
11 ing the actor's intent that the animal obstruct the lawful activity of  
12 such police officer or peace officer, he or she causes physical injury  
13 to such police officer or peace officer.

14 Assault in the second degree on a police officer or peace officer is a  
15 class C felony.

16 § 2. Subdivision 3 of section 120.05 of the penal law, as amended by  
17 chapter 267 of the laws of 2016, is amended to read as follows:

18 3. With intent to prevent [~~a peace officer, a police officer,~~] prose-  
19 cutor as defined in subdivision thirty-one of section 1.20 of the crimi-  
20 nal procedure law, registered nurse, licensed practical nurse, public  
21 health sanitarian, New York city public health sanitarian, sanitation  
22 enforcement agent, New York city sanitation worker, a firefighter,  
23 including a firefighter acting as a paramedic or emergency medical tech-  
24 nician administering first aid in the course of performance of duty as

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

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1 such firefighter, an emergency medical service paramedic or emergency  
2 medical service technician, or medical or related personnel in a hospi-  
3 tal emergency department, a city marshal, a school crossing guard  
4 appointed pursuant to section two hundred eight-a of the general municipi-  
5 pal law, a traffic enforcement officer, traffic enforcement agent or  
6 employee of any entity governed by the public service law in the course  
7 of performing an essential service, from performing a lawful duty, by  
8 means including releasing or failing to control an animal under circum-  
9 stances evincing the actor's intent that the animal obstruct the lawful  
10 activity of such [~~peace officer, police officer,~~] prosecutor as defined  
11 in subdivision thirty-one of section 1.20 of the criminal procedure law,  
12 registered nurse, licensed practical nurse, public health sanitarian,  
13 New York city public health sanitarian, sanitation enforcement agent,  
14 New York city sanitation worker, firefighter, paramedic, technician,  
15 city marshal, school crossing guard appointed pursuant to section two  
16 hundred eight-a of the general municipal law, traffic enforcement offi-  
17 cer, traffic enforcement agent or employee of an entity governed by the  
18 public service law, he or she causes physical injury to such [~~peace  
19 officer, police officer,~~] prosecutor as defined in subdivision thirty-  
20 one of section 1.20 of the criminal procedure law, registered nurse,  
21 licensed practical nurse, public health sanitarian, New York city public  
22 health sanitarian, sanitation enforcement agent, New York city sanita-  
23 tion worker, firefighter, paramedic, technician or medical or related  
24 personnel in a hospital emergency department, city marshal, school  
25 crossing guard, traffic enforcement officer, traffic enforcement agent  
26 or employee of an entity governed by the public service law; or

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

29 § 120.08 Assault on a peace officer, police officer, firefighter or  
30 emergency medical services professional.

31 A person is guilty of assault on a peace officer, police officer,  
32 firefighter or emergency medical services professional when, with intent  
33 to prevent a peace officer, police officer, a firefighter, including a  
34 firefighter acting as a paramedic or emergency medical technician admin-  
35 istering first aid in the course of performance of duty as such fire-  
36 fighter, or an emergency medical service paramedic or emergency medical  
37 service technician, from performing a lawful duty, he or she causes  
38 serious physical injury to such peace officer, police officer, fire-  
39 fighter, paramedic or technician.

40 Assault on a peace officer, police officer, firefighter or emergency  
41 medical services professional is a class [~~E~~] B felony.

42 § 4. Section 120.11 of the penal law, as amended by chapter 283 of the  
43 laws of 1993, is amended to read as follows:

44 § 120.11 Aggravated assault upon a police officer or a peace officer.

45 A person is guilty of aggravated assault upon a police officer or a  
46 peace officer when, with intent to cause serious physical injury to a  
47 person whom he knows or reasonably should know to be a police officer or  
48 a peace officer engaged in the course of performing his official duties,  
49 he causes such injury by means of a deadly weapon or dangerous instru-  
50 ment.

51 Aggravated assault upon a police officer or a peace officer is a class  
52 [~~B~~] A felony.

53 § 5. This act shall take effect on the first of November next succeed-  
54 ing the date upon which it shall have become a law.