

# STATE OF NEW YORK

4996

2021-2022 Regular Sessions

## IN ASSEMBLY

February 10, 2021

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

AN ACT to amend the penal law, in relation to increasing the penalties for assault on police officers, peace officers, firefighters and emergency medical technicians

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

1 Section 1. Subdivision 3 of section 120.05 of the penal law, as  
2 amended by chapter 267 of the laws of 2016, is amended to read as  
3 follows:

4 3. With intent to prevent a peace officer, [~~a police officer,~~] prose-  
5 cutor as defined in subdivision thirty-one of section 1.20 of the crimi-  
6 nal procedure law, registered nurse, licensed practical nurse, public  
7 health sanitarian, New York city public health sanitarian, sanitation  
8 enforcement agent, New York city sanitation worker, a firefighter,  
9 including a firefighter acting as a paramedic or emergency medical tech-  
10 nician administering first aid in the course of performance of duty as  
11 such firefighter, an emergency medical service paramedic or emergency  
12 medical service technician, or medical or related personnel in a hospi-  
13 tal emergency department, a city marshal, a school crossing guard  
14 appointed pursuant to section two hundred eight-a of the general munic-  
15 ipal law, a traffic enforcement officer, traffic enforcement agent or  
16 employee of any entity governed by the public service law in the course  
17 of performing an essential service, from performing a lawful duty, by  
18 means including releasing or failing to control an animal under circum-  
19 stances evincing the actor's intent that the animal obstruct the lawful  
20 activity of such peace officer, [~~police officer,~~] prosecutor as defined  
21 in subdivision thirty-one of section 1.20 of the criminal procedure law,  
22 registered nurse, licensed practical nurse, public health sanitarian,  
23 New York city public health sanitarian, sanitation enforcement agent,  
24 New York city sanitation worker, firefighter, paramedic, technician,

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

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1 city marshal, school crossing guard appointed pursuant to section two  
2 hundred eight-a of the general municipal law, traffic enforcement offi-  
3 cer, traffic enforcement agent or employee of an entity governed by the  
4 public service law, he or she causes physical injury to such peace offi-  
5 cer, [~~police officer,~~] prosecutor as defined in subdivision thirty-one  
6 of section 1.20 of the criminal procedure law, registered nurse,  
7 licensed practical nurse, public health sanitarian, New York city public  
8 health sanitarian, sanitation enforcement agent, New York city sanita-  
9 tion worker, firefighter, paramedic, technician or medical or related  
10 personnel in a hospital emergency department, city marshal, school  
11 crossing guard, traffic enforcement officer, traffic enforcement agent  
12 or employee of an entity governed by the public service law; or

13 § 2. The penal law is amended by adding a new section 120.05-a to read  
14 as follows:

15 § 120.05-a Assault on a police officer causing physical injury.

16 A person is guilty of assault on a police officer causing physical  
17 injury when, with intent to prevent a police officer from performing a  
18 lawful duty, by means including releasing or failing to control an  
19 animal under circumstances evincing the actor's intent that the animal  
20 obstruct the lawful activity of such police officer, he or she causes  
21 physical injury to such police officer.

22 Assault on a police officer causing physical injury is a class C felo-  
23 ny.

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

26 § 120.08 Assault on a peace officer, police officer, firefighter or  
27 emergency medical services professional.

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

37 Assault on a peace officer, police officer, firefighter or emergency  
38 medical services professional is a class [~~C~~] **B** felony.

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

41 § 120.11 Aggravated assault upon a police officer or a peace officer.

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

48 Aggravated assault upon a police officer or a peace officer is a class  
49 [~~B~~] **A** felony.

50 § 5. This act shall take effect immediately.