

# STATE OF NEW YORK

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1165

2023-2024 Regular Sessions

## IN SENATE

January 10, 2023

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Introduced by Sen. OBERACKER -- 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 elevating an assault of a code enforcement official to the class D felony of 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. 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, prosecu-  
5 tor as defined in subdivision thirty-one of section 1.20 of the criminal  
6 procedure law, registered nurse, licensed practical nurse, public health  
7 sanitarian, New York city public health sanitarian, sanitation enforce-  
8 ment agent, New York city sanitation worker, a firefighter, including a  
9 firefighter acting as a paramedic or emergency medical technician admin-  
10 istering first aid in the course of performance of duty as such fire-  
11 fighter, an emergency medical service paramedic or emergency medical  
12 service technician, or medical or related personnel in a hospital emer-  
13 gency department, a city marshal, a school crossing guard appointed  
14 pursuant to section two hundred eight-a of the general municipal law, a  
15 traffic enforcement officer, traffic enforcement agent, code enforcement  
16 official, or employee of any entity governed by the public service law  
17 in the course of performing an essential service, 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 peace officer, police officer,  
21 prosecutor as defined in subdivision thirty-one of section 1.20 of the  
22 criminal procedure law, registered nurse, licensed practical nurse,  
23 public health sanitarian, New York city public health sanitarian, sani-  
24 tation enforcement agent, New York city sanitation worker, firefighter,

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

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1 paramedic, technician, city marshal, school crossing guard appointed  
2 pursuant to section two hundred eight-a of the general municipal law,  
3 traffic enforcement officer, traffic enforcement agent, code enforcement  
4 official, or employee of an entity governed by the public service law,  
5 he or she causes physical injury to such peace officer, police officer,  
6 prosecutor as defined in subdivision thirty-one of section 1.20 of the  
7 criminal procedure law, registered nurse, licensed practical nurse,  
8 public health sanitarian, New York city public health sanitarian, sani-  
9 tation enforcement agent, New York city sanitation worker, firefighter,  
10 paramedic, technician or medical or related personnel in a hospital  
11 emergency department, city marshal, school crossing guard, traffic  
12 enforcement officer, traffic enforcement agent, code enforcement offi-  
13 cial, or employee of an entity governed by the public service law; or  
14 § 2. This act shall take effect on the first of November next succeed-  
15 ing the date on which it shall have become a law.