STATE OF NEW YORK

1299

2023-2024 Regular Sessions

IN ASSEMBLY

January 17, 2023

Introduced by M. of A. BUTTENSCHON, SANTABARBARA -- 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:

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

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

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

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

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

3. With intent to prevent [~~a peace officer, a police officer,~~] prosecutor as defined in subdivision thirty-one of section 1.20 of the criminal procedure law, registered nurse, licensed practical nurse, public health sanitarian, New York city public health sanitarian, sanitation enforcement agent, New York city sanitation worker, a firefighter, including a firefighter acting as a paramedic or emergency medical technician 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.

LBD04712-01-3

such firefighter, an emergency medical service paramedic or emergency medical service technician, or medical or related personnel in a hospital emergency department, a city marshal, a school crossing guard appointed pursuant to section two hundred eight-a of the general municipal law, a traffic enforcement officer, traffic enforcement agent or employee of any entity governed by the public service law in the course of performing an essential service, from performing a lawful duty, by means including releasing or failing to control an animal under circumstances evincing the actor's intent that the animal obstruct the lawful activity of such [~~peace officer, police officer,~~] prosecutor as defined in subdivision thirty-one of section 1.20 of the criminal procedure law, registered nurse, licensed practical nurse, public health sanitarian, New York city public health sanitarian, sanitation enforcement agent, New York city sanitation worker, firefighter, paramedic, technician, city marshal, school crossing guard appointed pursuant to section two hundred eight-a of the general municipal law, traffic enforcement officer, traffic enforcement agent or employee of an entity governed by the public service law, he or she causes physical injury to such [~~peace officer, police officer,~~] prosecutor as defined in subdivision thirty-one of section 1.20 of the criminal procedure law, registered nurse, licensed practical nurse, public health sanitarian, New York city public health sanitarian, sanitation enforcement agent, New York city sanitation worker, firefighter, paramedic, technician or medical or related personnel in a hospital emergency department, city marshal, school crossing guard, traffic enforcement officer, traffic enforcement agent or employee of an entity governed by the public service law; or

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

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

A person is guilty of assault on a peace officer, police officer, firefighter or emergency medical services professional when, with intent to prevent a peace officer, police officer, a firefighter, including a firefighter acting as a paramedic or emergency medical technician administering first aid in the course of performance of duty as such firefighter, or an emergency medical service paramedic or emergency medical service technician, from performing a lawful duty, he or she causes serious physical injury to such peace officer, police officer, firefighter, paramedic or technician.

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

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

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

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

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

§ 5. This act shall take effect on the first of November next succeeding the date upon which it shall have become a law.