Legislation Details (With Text)

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Title: Resolution in support of pending legislation in the New York State Legislature, which would amend the Penal Law to increase the penalties for certain assaults on members of an auxiliary police program, traffic enforcement agents, and public officers or public employees performing school safety or security duties.

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11/17/2010	*	City Council	Introduced by Council	
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12/31/2013	*	City Council	Filed (End of Session)	

Res. No. 555

Resolution in support of pending legislation in the New York State Legislature, which would amend the Penal Law to increase the penalties for certain assaults on members of an auxiliary police program, traffic enforcement agents, and public officers or public employees performing school safety or security duties.

By Council Members Vallone, Ferreras, Fidler, Gentile, Nelson, Williams, Halloran and Koo

Whereas, Auxiliary Police Officers, Traffic Enforcement Agents, and School Safety Agents all provide an important service to the city by ensuring the safety and security of New Yorkers; and

Whereas, The New York City Police Department's ("NYPD") Auxiliary Police consists of a volunteer cadre whose mission includes deterring crime by performing uniformed patrol; the NYPD's School Safety Division's mission includes providing a safe environment that is conducive to learning; and the NYPD's Transportation Bureau's mission includes ensuring the smooth flow of traffic; and

Whereas, While carrying out their respective missions and performing their assigned duties,

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auxiliary police officers, school safety agents, and traffic enforcement agents face the possibility of threats to their personal safety akin to that faced by police officers and peace officers; and

Whereas, The dangers of these jobs have been demonstrated in several recent, and tragic instances; and

Whereas, On March 14, 2007, two unarmed auxiliary police officers, Officers Nicholas Pekearo and Yevgeniy Marshalik, were shot and killed while pursuing a fleeing subject in Greenwich Village, Manhattan; and

Whereas, In March 2007, a 16-year-old student at a Jamaica, Queens high school who resisted being frisked upon arrival at the school allegedly assaulted a school safety agent and injured the agent so severely that the agent had to be taken to a local hospital; and

Whereas, In September 2010, an NYPD traffic enforcement agent suffered a fractured skull after a motorist became belligerent and attacked him when the agent tried to issue him a ticket for allegedly double parking; and

Whereas, Assaults against auxiliary police officers, school safety agents, and traffic enforcement agents in the line of duty do not currently carry the same penalties as crimes of assault against police officers, peace officers, firefighters and emergency medical services professionals; and

Whereas, In order to rectify this situation, Senator Eric Adams and Assemblyman Joseph Lentol are the sponsors of S.4576 and A.6973, respectively, which would amend the Penal Law in relation to assault on a member of an auxiliary police program, a traffic enforcement agent, and a public officer or public employee performing school safety or security duties; and

Whereas, The legislation would amend subdivision 3 of the Penal Law, assault in the second degree, a class D felony, by enabling members of an auxiliary police program organized and maintained by a state or local police department, and public officers or public employees performing school safety or security duties, to receive the same protections presently afforded to peace officers, police officers, firefighters, emergency medical services professionals, and traffic enforcement agents when they are physically injured as a result of

someone trying to prevent them from performing their duties; and

Whereas, The legislation would also amend section 120.08 of the Penal Law, a class C felony, by extending the same protections peace officers, police officers, firefighters and emergency medical services professionals receive to members of an auxiliary police program organized and maintained by a state or local police department, traffic enforcement agents, and public officers or public employees performing school safety or security duties who undergo serious physical injury as a result of someone trying to prevent them from performing their duties; and

Whereas, The legislation would also make certain technical changes to the language used to describe various professionals covered under these provisions; and

Whereas, It should be recognized that auxiliary police officers, school safety agents, and traffic enforcement agents confront similar risks as those faced by peace officers, police officers, firefighters and medical services professionals in ensuring public safety; now, therefore, be it

Resolved, That the Council of the City of New York supports pending legislation in the New York State Legislature, which would amend the Penal Law to increase the penalties for certain assaults on members of an auxiliary police program, traffic enforcement agents, and public officers or public employees performing school safety or security duties.

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