

LOCAL LAW PERM 1, 2020

A LOCAL LAW ENACTING THE “EMERGENCY FIRST RESPONDERS PROTECTION ACT OF 2019”

BE IT ENACTED by the County Legislature of the County of Broome, Chapter 315 is established as follows:

Section 315-1. Title: This local law shall be known as the “Emergency First Responders Protection Act of 2019.”

Section 315-2. Legislative Findings:
Emergency First Responders play a critical role in protecting people and property in the event of fires, natural and man-made disasters, medical emergencies, terrorist and other criminal acts, and numerous other types of emergencies. Emergency First Responders are deserving of appreciation and commendation for the invaluable services they provide to the residents of Broome County and New York State. The Legislature further finds and determines that it is critical to ensure that Emergency First Responders are protected from harassment and this Legislature must enact protections for those personnel while engaged in their important duties.

Section 315-3. Definitions:
As used in this local law, the following terms shall have the meanings indicated:
“Emergency First Responder” - a law enforcement officer, firefighter, emergency medical services personnel, or auxiliary officer
"Law Enforcement Officer" - any active city or state law enforcement officer, peace officer, sheriff, deputy sheriff, probation or parole officer, marshal, deputy, wildlife enforcement agency, county or state correctional officer, fire marshal, or commissioned agent of the department of corrections and community supervision, as well as any federal law enforcement officer or employee, whose permanent duties include making arrests, performing search and seizures, execution of criminal arrest warrants, execution of civil seizure warrants, any civil functions performed by sheriffs or deputy sheriffs, enforcement of penal or traffic laws, or the care, custody, control, or supervision of inmates.
"Firefighter" - (i) any firefighter regularly employed by a fire department of any municipality of the state of New York and (ii) any volunteer firefighter as defined in subdivision one of section three of the New York State Volunteer Firefighters' Benefit Law.
"Emergency Medical Services Personnel" - the personnel of a service or agency, whether paid or volunteer, engaged in providing initial emergency medical assistance, including but not limited to emergency medical technicians, advanced emergency medical technicians, and paramedics.
“Auxiliary Officer” – A volunteer officer for a police, fire or first responder agency.

Section 315-4: Harassment of Emergency First Responders Prohibited:
A person is guilty of harassing an Emergency First Responder when he or she intentionally engages in conduct against an Emergency First Responder as defined by New York State Penal Law §240.26. This action must occur when such Emergency First Responder is in the course of performing his or her official duties and the person committing such act knows or reasonably should know that such person is an Emergency First Responder.

Section 315-5: Penalties:

Violation of this law shall constitute an unclassified misdemeanor punishable by up to one year of imprisonment and/or a fine of up to \$5,000.

Section 316-6.

Severability:

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 316-7.

Effective Date:

This local law shall take effect immediately upon final adoption and filing with the Secretary of State.