



NEW YORK STATE SENATOR

Rich Funke

Senate Passes Funke Bill to Close Legal Loophole & Make the Obstruction of Firefighters Performing EMS Care a Crime

RICH FUNKE February 14, 2017

| ISSUE: **PUBLIC SAFETY, FIREFIGHTERS**



The New York State Senate today passed [S.1022](#), a bill sponsored by Senator **Rich Funke** to make the intentional obstruction of a firefighter performing emergency medical care a crime.

The legislation is intended to close a legal loophole by ensuring that firefighters receive the same protections during the delivery of emergency medical care as they do during the

performance of other duties. It would also put these legal protections for firefighters in parity with those currently in place for EMS workers. The bill would classify the new crime as a Class A Misdemeanor and passed unanimously.

“Firefighters put their lives on the line for us in a lot of ways and state law should protect them no matter what type of work they are doing,” said **Funke**. *“Simply because a firefighter shifts from fighting a fire to saving a life through emergency medical care doesn’t mean they should receive any fewer protections under the law. I thank my colleagues for supporting this common sense update to public safety law and I hope to see it pass the Assembly soon.”*

New York State Penal Code currently affords firefighters special protections while engaged in a variety of functions during the performance of their official duties. However, a loophole in state law does not adequately protect firefighters who are delivering emergency medical care.

In a 2004 incident, the Rochester Fire Department responded to a call for emergency medical care when an uninvolved onlooker attacked and impeded firefighters on scene. Despite the egregious nature of the incident, the assailant could not be charged under existing state law protecting firefighters. **Funke’s** legislation would close this loophole by extending similar legal protections to firefighters performing emergency medical care.

The bill has been sent to the Assembly.