

1089

2013-2014 Regular Sessions

I N S E N A T E

(PREFILED)

January 9, 2013

Introduced by Sen. MAZIARZ -- 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 assault of certain persons providing direct patient care

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Subdivisions 3 and 11 of section 120.05 of the penal law,
2 as amended by chapter 377 of the laws of 2012, are amended to read as
3 follows:
4 3. With intent to prevent a peace officer, a police officer, regis-
5 tered nurse, licensed practical nurse, sanitation enforcement agent, New
6 York city sanitation worker, a firefighter, including a firefighter
7 acting as a paramedic or emergency medical technician administering
8 first aid in the course of performance of duty as such firefighter, an
9 emergency medical service paramedic or emergency medical service techni-
10 cian, or medical or related personnel in a hospital emergency depart-
11 ment, a city marshal, a traffic enforcement officer or traffic enforce-
12 ment agent, from performing a lawful duty, by means including releasing
13 or failing to control an animal under circumstances evincing the actor's
14 intent that the animal obstruct the lawful activity of such peace offi-
15 cer, police officer, registered nurse, licensed practical nurse, sanita-
16 tion enforcement agent, New York city sanitation worker, firefighter,
17 paramedic, technician, city marshal, traffic enforcement officer or
18 traffic enforcement agent, he or she causes physical injury to such
19 peace officer, police officer, registered nurse, licensed practical
20 nurse, sanitation enforcement agent, New York city sanitation worker,
21 firefighter, paramedic, technician or medical or related personnel in a
22 hospital emergency department, city marshal, traffic enforcement officer
23 or traffic enforcement agent, OR TO ANY DIRECT-CARE STAFF WHO IS NOT A
24 NURSE PURSUANT TO TITLE EIGHT OF THE EDUCATION LAW WHOSE PRINCIPAL

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

LBD02264-01-3

1 RESPONSIBILITY IS TO CARRY OUT DIRECT PATIENT CARE FOR ONE OR MORE
2 PATIENTS OR PROVIDES DIRECT ASSISTANCE IN THE DELIVERY OF PATIENT CARE
3 IN ANY HOSPITAL, NURSING HOME, RESIDENTIAL HEALTH CARE FACILITY, GENERAL
4 HOSPITAL, GOVERNMENT AGENCY INCLUDING ANY CHRONIC DISEASE HOSPITAL,
5 MATERNITY HOSPITAL, OUTPATIENT DEPARTMENT, EMERGENCY CENTER OR SURGICAL
6 CENTER UNDER ARTICLE TWENTY-EIGHT OF THE PUBLIC HEALTH LAW AND SHALL
7 ALSO INCLUDE ANY FACILITY THAT PROVIDES HEALTH CARE SERVICES PURSUANT TO
8 THE MENTAL HYGIENE LAW, ARTICLE NINETEEN-G OF THE EXECUTIVE LAW OR THE
9 CORRECTION LAW IF SUCH FACILITY IS OPERATED BY THE STATE OR A POLITICAL
10 SUBDIVISION OF THE STATE OR A PUBLIC AUTHORITY OR PUBLIC BENEFIT CORPO-
11 RATION; or

12 11. With intent to cause physical injury to a train operator, ticket
13 inspector, conductor, signalperson, bus operator or station agent
14 employed by any transit agency, authority or company, public or private,
15 whose operation is authorized by New York state or any of its political
16 subdivisions, a city marshal, a traffic enforcement officer, traffic
17 enforcement agent, sanitation enforcement agent, New York city sanita-
18 tion worker, registered nurse or licensed practical nurse he or she
19 causes physical injury to such train operator, ticket inspector, conduc-
20 tor, signalperson, bus operator or station agent, city marshal, traffic
21 enforcement officer, traffic enforcement agent, registered nurse or
22 licensed practical nurse, sanitation enforcement agent or New York city
23 sanitation worker, while such employee is performing an assigned duty
24 on, or directly related to, the operation of a train or bus, or such
25 city marshal, traffic enforcement officer, traffic enforcement agent,
26 registered nurse or licensed practical nurse, sanitation enforcement
27 agent or New York city sanitation worker, OR ANY DIRECT-CARE STAFF WHO
28 IS NOT A NURSE PURSUANT TO TITLE EIGHT OF THE EDUCATION LAW WHOSE PRIN-
29 CIPAL RESPONSIBILITY IS TO CARRY OUT DIRECT PATIENT CARE FOR ONE OR MORE
30 PATIENTS OR PROVIDES DIRECT ASSISTANCE IN THE DELIVERY OF PATIENT CARE
31 IN ANY HOSPITAL, NURSING HOME, RESIDENTIAL HEALTH CARE FACILITY, GENERAL
32 HOSPITAL, GOVERNMENT AGENCY INCLUDING ANY CHRONIC DISEASE HOSPITAL,
33 MATERNITY HOSPITAL, OUTPATIENT DEPARTMENT, EMERGENCY CENTER OR SURGICAL
34 CENTER UNDER ARTICLE TWENTY-EIGHT OF THE PUBLIC HEALTH LAW AND SHALL
35 ALSO INCLUDE ANY FACILITY THAT PROVIDES HEALTH CARE SERVICES PURSUANT TO
36 THE MENTAL HYGIENE LAW, ARTICLE NINETEEN-G OF THE EXECUTIVE LAW OR THE
37 CORRECTION LAW IF SUCH FACILITY IS OPERATED BY THE STATE OR A POLITICAL
38 SUBDIVISION OF THE STATE OR A PUBLIC AUTHORITY OR PUBLIC BENEFIT CORPO-
39 RATION, WHO, is performing an assigned duty.

40 S 2. This act shall take effect on the first of November next succeed-
41 ing the date on which it shall have become a law.