

STATE OF NEW YORK

4325

2017-2018 Regular Sessions

IN SENATE

February 9, 2017

Introduced by Sen. GOLDEN -- 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 deeming assault on a station customer assistant, maintainer, cleaner or janitor while in performance of their assigned duties to be assault in the second degree

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision 11 of section 120.05 of the penal law, as separately amended by chapters 268 and 281 of the laws of 2016, is amended to read as follows:

11. With intent to cause physical injury to a train operator, ticket inspector, conductor, signalperson, bus operator, station agent, ~~[station cleaner or terminal cleaner]~~ station customer assistant, any person whose official duties include the sale of tickets, passes, vouchers or other payment of fare to use a train or bus, any person whose official duties include the maintenance or operation of a train or bus station or terminal employed by any transit agency, authority or company, public or private, whose operation is authorized by New York state or any of its political subdivisions, 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, prosecutor as defined in subdivision thirty-one of section 1.20 of the criminal procedure law, sanitation enforcement agent, New York city sanitation worker, ~~[public health sanitarian, New York city public health sanitarian,~~ registered nurse, licensed practical nurse, emergency medical service paramedic, or emergency medical service technician, he or she causes physical injury to such train operator, ticket inspector, conductor, signalperson, bus operator, station agent, ~~[station cleaner or terminal cleaner]~~ station customer assistant, any person whose official duties include the sale of tickets, passes, vouchers or

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

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1 other payment of fare to use a train or bus, any person whose official
2 duties include the maintenance or operation of a train or bus station or
3 terminal, city marshal, school crossing guard appointed pursuant to
4 section two hundred eight-a of the general municipal law, traffic
5 enforcement officer, traffic enforcement agent, prosecutor as defined in
6 subdivision thirty-one of section 1.20 of the criminal procedure law,
7 registered nurse, licensed practical nurse, [~~public health sanitarian,~~
8 ~~New York city public health sanitarian,~~] sanitation enforcement agent,
9 New York city sanitation worker, emergency medical service paramedic, or
10 emergency medical service technician, while such employee is performing
11 an assigned duty on, or directly related to, the operation of a train or
12 bus, [~~including the cleaning of a train or bus station or terminal~~]
13 including the maintenance of a train or bus station or terminal, or such
14 city marshal, school crossing guard, traffic enforcement officer, traf-
15 fic enforcement agent, prosecutor as defined in subdivision thirty-one
16 of section 1.20 of the criminal procedure law, registered nurse,
17 licensed practical nurse, [~~public health sanitarian, New York city~~
18 ~~public health sanitarian,~~] sanitation enforcement agent, New York city
19 sanitation worker, emergency medical service paramedic, or emergency
20 medical service technician is performing an assigned duty; or
21 § 2. This act shall take effect on the one hundred eightieth day after
22 it shall have become a law.