

# STATE OF NEW YORK

9257

## IN ASSEMBLY

February 9, 2022

Introduced by M. of A. DINOWITZ -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to increasing penalties for assault, obstruction and harassment of election officers

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

1 Section 1. Subdivision 11 of section 120.05 of the penal law, as  
2 separately amended by chapters 268 and 281 of the laws of 2016, is  
3 amended to read as follows:  
4 11. With intent to cause physical injury to a train operator, ticket  
5 inspector, conductor, signalperson, bus operator, station agent, station  
6 cleaner or terminal cleaner employed by any transit agency, authority or  
7 company, public or private, whose operation is authorized by New York  
8 state or any of its political subdivisions, a city marshal, a school  
9 crossing guard appointed pursuant to section two hundred eight-a of the  
10 general municipal law, a traffic enforcement officer, traffic enforcement  
11 agent, prosecutor as defined in subdivision thirty-one of section  
12 1.20 of the criminal procedure law, sanitation enforcement agent, New  
13 York city sanitation worker, public health sanitarian, New York city  
14 public health sanitarian, registered nurse, licensed practical nurse,  
15 emergency medical service paramedic, [~~ex~~] emergency medical service  
16 technician, or election officer as defined in section 1-104 of the  
17 election law, he or she causes physical injury to such train operator,  
18 ticket inspector, conductor, signalperson, bus operator, station agent,  
19 station cleaner or terminal cleaner, city marshal, school crossing guard  
20 appointed pursuant to section two hundred eight-a of the general municipal  
21 law, traffic enforcement officer, traffic enforcement agent, prosecutor  
22 as defined in subdivision thirty-one of section 1.20 of the criminal  
23 procedure law, registered nurse, licensed practical nurse, public  
24 health sanitarian, New York city public health sanitarian, sanitation  
25 enforcement agent, New York city sanitation worker, emergency medical  
26 service paramedic, [~~ex~~] emergency medical service technician or election  
27 officer, while such employee is performing an assigned duty on, or  
28 directly related to, the operation of a train or bus, including the

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

LBD14441-02-2

1 cleaning of a train or bus station or terminal, or such city marshal,  
2 school crossing guard, traffic enforcement officer, traffic enforcement  
3 agent, prosecutor as defined in subdivision thirty-one of section 1.20  
4 of the criminal procedure law, registered nurse, licensed practical  
5 nurse, public health sanitarian, New York city public health sanitarian,  
6 sanitation enforcement agent, New York city sanitation worker, emergency  
7 medical service paramedic, ~~or~~ emergency medical service technician, or  
8 election officer is performing an assigned duty; or

9 § 2. Section 195.05 of the penal law, as amended by chapter 269 of  
10 the laws of 1998, is amended to read as follows:

11 § 195.05 Obstructing governmental administration in the second degree.

12 A person is guilty of obstructing governmental administration when he  
13 or she intentionally obstructs, impairs or perverts the administration  
14 of law or other governmental function or prevents or attempts to prevent  
15 a public servant, including an election officer, from performing an  
16 official function, by means of intimidation, physical force or interfer-  
17 ence, or by means of any independently unlawful act, or by means of  
18 interfering, whether or not physical force is involved, with radio,  
19 telephone, television or other telecommunications systems owned or oper-  
20 ated by the state, or a county, city, town, village, fire district or  
21 emergency medical service or by means of releasing a dangerous animal  
22 under circumstances evincing the actor's intent that the animal obstruct  
23 governmental administration.

24 Obstructing governmental administration is a class A misdemeanor.

25 § 3 . Section 240.30 of the penal law is amended by adding a new  
26 subdivision 3-a to read as follows:

27 3-a. With the intent to harass, annoy, threaten or alarm an election  
28 officer, he or she strikes, shoves, kicks, or otherwise subjects another  
29 person to physical contact, or attempts or threatens to do the same  
30 while such election officer is performing his or her official duties; or

31 § 4. This act shall take effect immediately.