

STATE OF NEW YORK

6472--A

2021-2022 Regular Sessions

IN SENATE

April 30, 2021

Introduced by Sens. COMRIE, KENNEDY -- read twice and ordered printed, and when printed to be committed to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the penal law, in relation to assaulting or harassing certain employees of a transit agency or authority

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 separately amended by chapters 268 and 281 of the laws of 2016, is amended to read as follows:

2 11. With intent to cause physical injury to a train operator, ticket
3 inspector, conductor, signalperson, bus operator, station agent, station
4 cleaner ~~[or]~~, terminal cleaner, station customer assistant; person whose
5 official duties include the sale or collection of tickets, passes,
6 vouchers, or other fare payment media for use on a train or bus; a
7 person whose official duties include the maintenance, repair,
8 inspection, troubleshooting, testing or cleaning of a transit signal
9 system, elevated or underground subway tracks, transit station struc-
10 ture, commuter rail tracks or stations, train yard, revenue train in
11 passenger service, or a train or bus station or terminal; or a supervi-
12 sor of such personnel, employed by any transit agency, authority or
13 company, public or private, whose operation is authorized by New York
14 state or any of its political subdivisions, a city marshal, a school
15 crossing guard appointed pursuant to section two hundred eight-a of the
16 general municipal law, a traffic enforcement officer, traffic enforce-
17 ment agent, prosecutor as defined in subdivision thirty-one of section
18 1.20 of the criminal procedure law, sanitation enforcement agent, New
19 York city sanitation worker, public health sanitarian, New York city
20 public health sanitarian, registered nurse, licensed practical nurse,
21 emergency medical service paramedic, or emergency medical service tech-
22
23

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

LBD11171-02-1

1 nician, he or she causes physical injury to such train operator, ticket
2 inspector, conductor, signalperson, bus operator, station agent, station
3 cleaner ~~[or]~~, terminal cleaner, station customer assistant; person whose
4 official duties include the sale or collection of tickets, passes,
5 vouchers or other fare payment media for use on a train or bus; a
6 person whose official duties include the maintenance, repair,
7 inspection, troubleshooting, testing or cleaning of a transit signal
8 system, elevated or underground subway tracks, transit station struc-
9 ture, commuter rail tracks or stations, train yard, revenue train in
10 passenger service, or a train or bus station or terminal; or a supervi-
11 sor of such personnel, city marshal, school crossing guard appointed
12 pursuant to section two hundred eight-a of the general municipal law,
13 traffic enforcement officer, traffic enforcement agent, prosecutor as
14 defined in subdivision thirty-one of section 1.20 of the criminal proce-
15 dure law, registered nurse, licensed practical nurse, public health
16 sanitarian, New York city public health sanitarian, sanitation enforce-
17 ment agent, New York city sanitation worker, emergency medical service
18 paramedic, or emergency medical service technician, while such employee
19 is performing an assigned duty on, or directly related to, the operation
20 of a train or bus, ~~[including the]~~ cleaning of a train or bus station or
21 terminal, assisting customers, the sale or collection of tickets, pass-
22 es, vouchers, or other fare media for use on a train, or maintenance of
23 a train or bus station or terminal, signal system, elevated or under-
24 ground subway tracks, transit station structure, commuter rail tracks or
25 stations, train yard or revenue train in passenger service, or such city
26 marshal, school crossing guard, traffic enforcement officer, traffic
27 enforcement agent, prosecutor as defined in subdivision thirty-one of
28 section 1.20 of the criminal procedure law, registered nurse, licensed
29 practical nurse, public health sanitarian, New York city public health
30 sanitarian, sanitation enforcement agent, New York city sanitation work-
31 er, emergency medical service paramedic, or emergency medical service
32 technician is performing an assigned duty; or

33 § 2. Section 240.30 of the penal law is amended by adding a new subdi-
34 vision 3-a to read as follows:

35 3-a. Strikes, shoves, kicks, or otherwise subjects another person to
36 physical contact, which includes spitting on such other person, and such
37 other person is an on-duty train operator; ticket inspector; conductor;
38 signalperson; bus operator; station agent; station cleaner; terminal
39 cleaner; station customer assistant; person whose official duties
40 include the sale or collection of tickets, passes, vouchers or other
41 fare payment media for use on a train or bus; person whose official
42 duties include the maintenance, repair, inspection, troubleshooting,
43 testing or cleaning of a transit signal system, elevated or underground
44 subway tracks, transit station structure, commuter rail tracks or
45 stations, train yard, revenue train in passenger service, or train or
46 bus station or terminal, or a supervisor of such personnel, employed by
47 any transit agency or commuter railroad agency, authority or company,
48 public or private, whose operation is authorized by New York state or
49 any of its political subdivisions; or

50 § 3. This act shall take effect on the ninetieth day after it shall
51 have become a law.