

STATE OF NEW YORK

10452

IN ASSEMBLY

May 24, 2024

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Woerner) --
read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to assaults on medical
providers and employees and volunteers of hospitals

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

1 Section 1. Subdivisions 3 and 11 of section 120.05 of the penal law,
2 subdivision 3 as amended by chapter 267 of the laws of 2016 and subdivi-
3 sion 11 as amended by section 2 of part z of chapter 55 of the laws of
4 2024, are amended to read as follows:

5 3. With intent to prevent a peace officer, a police officer, prosecu-
6 tor as defined in subdivision thirty-one of section 1.20 of the criminal
7 procedure law, [~~registered nurse, licensed practical nurse,~~ a physi-
8 cian, a physician assistant, a health care provider, a primary care
9 practitioner or primary care physician, a nurse or nursing professional
10 including a registered nurse, nurse practitioner, certified or licensed
11 nurse practitioner, a certified nursing assistant, or a licensed practi-
12 cal nurse, ambulance personnel, a director of a hospital or a medical
13 director, employee, attendant, agent or volunteer of a hospital as
14 defined in section twenty-eight hundred one of the public health law, a
15 public health sanitarian, New York city public health sanitarian, sani-
16 tation enforcement agent, New York city sanitation worker, a firefight-
17 er, including a firefighter acting as a paramedic or emergency medical
18 technician administering first aid in the course of performance of duty
19 as such firefighter, an emergency medical service paramedic or emergency
20 medical service technician, or medical or related personnel in a hospi-
21 tal emergency department, a city marshal, a school crossing guard
22 appointed pursuant to section two hundred eight-a of the general munici-
23 pal law, a traffic enforcement officer, traffic enforcement agent or
24 employee of any entity governed by the public service law in the course
25 of performing an essential service, from performing a lawful duty, by
26 means including releasing or failing to control an animal under circum-
27 stances evincing the actor's intent that the animal obstruct the lawful
28 activity of such peace officer, police officer, prosecutor as defined in

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

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subdivision thirty-one of section 1.20 of the criminal procedure law, ~~registered nurse, licensed practical nurse,~~ physician, physician assistant, health care provider, primary care practitioner or primary care physician, a nurse or nursing professional including a registered nurse, nurse practitioner, certified or licensed nurse practitioner, a certified nursing assistant, or a licensed practical nurse, ambulance personnel, a director of a hospital or a medical director, employee, attendant, agent or volunteer of a hospital as defined in section twenty-eight hundred one of the public health law, a public health sanitarian, New York city public health sanitarian, sanitation enforcement agent, New York city sanitation worker, firefighter, paramedic, technician, city marshal, school crossing guard appointed pursuant to section two hundred eight-a of the general municipal law, traffic enforcement officer, traffic enforcement agent or employee of an entity governed by the public service law, ~~he or she~~ such person causes physical injury to such peace officer, police officer, prosecutor as defined in subdivision thirty-one of section 1.20 of the criminal procedure law, ~~registered nurse, licensed practical nurse,~~ physician, physician assistant, health care provider, primary care practitioner or primary care physician, a nurse or nursing professional including a registered nurse, nurse practitioner, certified or licensed nurse practitioner, a certified nursing assistant, or a licensed practical nurse, ambulance personnel, a director of a hospital or a medical director, employee, attendant, agent or volunteer of a hospital as defined in section twenty-eight hundred one of the public health law, a public health sanitarian, New York city public health sanitarian, sanitation enforcement agent, New York city sanitation worker, firefighter, paramedic, technician or medical or related personnel in a hospital emergency department, city marshal, school crossing guard, traffic enforcement officer, traffic enforcement agent or employee of an entity governed by the public service law; or

11. With intent to cause physical injury to a train operator, ticket inspector, conductor, signalperson, bus operator, station agent, station cleaner, terminal cleaner, station customer assistant, traffic checker; person whose official duties include the sale or collection of tickets, passes, vouchers, or other revenue payment media for use on a train, bus, or ferry the collection or handling of revenues therefrom; a person whose official duties include the maintenance, repair, inspection, troubleshooting, testing or cleaning of buses or ferries, a transit signal system, elevated or underground subway tracks, transit station structure, including fare equipment, escalators, elevators and other equipment necessary to passenger service, commuter rail tracks or stations, train yard, revenue train in passenger service, a ferry station, or a train or bus station or terminal; or a supervisor of such personnel, employed by any transit or commuter rail 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,~~ physician, physician assistant, health care provider, primary care practitioner or primary care physician, a nurse or nursing professional including a registered nurse, nurse practitioner, certified or licensed nurse prac-

1 titioner, a certified nursing assistant, or a licensed practical nurse,
2 ambulance personnel, a director of a hospital or a medical director,
3 employee, attendant, agent or volunteer of a hospital as defined in
4 section twenty-eight hundred one of the public health law, emergency
5 medical service paramedic, or emergency medical service technician, [~~he~~
6 ~~or she~~] such person causes physical injury to such train operator, tick-
7 et inspector, conductor, signalperson, bus operator, station agent,
8 station cleaner, terminal cleaner, station customer assistant, traffic
9 checker; person whose official duties include the sale or collection of
10 tickets, passes, vouchers or other revenue payment media for use on a
11 train, bus, or ferry or the collection or handling of revenues there-
12 from; a person whose official duties include the maintenance, repair,
13 inspection, troubleshooting, testing or cleaning of buses or ferries, a
14 transit signal system, elevated or underground subway tracks, transit
15 station structure, including fare equipment, escalators, elevators and
16 other equipment necessary to passenger service, commuter rail tracks or
17 stations, train yard, revenue train in passenger service, a ferry
18 station, or a train or bus station or terminal; or a supervisor of such
19 personnel, city marshal, school crossing guard appointed pursuant to
20 section two hundred eight-a of the general municipal law, traffic
21 enforcement officer, traffic enforcement agent, prosecutor as defined in
22 subdivision thirty-one of section 1.20 of the criminal procedure law,
23 [~~registered nurse, licensed practical nurse,~~] physician, physician
24 assistant, health care provider, primary care practitioner or primary
25 care physician, a nurse or nursing professional including a registered
26 nurse, nurse practitioner, certified or licensed nurse practitioner, a
27 certified nursing assistant, or a licensed practical nurse, ambulance
28 personnel, a director of a hospital or a medical director, employee,
29 attendant, agent or volunteer of a hospital as defined in section twen-
30 ty-eight hundred one of the public health law, public health sanitarian,
31 New York city public health sanitarian, sanitation enforcement agent,
32 New York city sanitation worker, emergency medical service paramedic, or
33 emergency medical service technician, while such employee is performing
34 an assigned duty on, or directly related to, the operation of a train or
35 bus, cleaning of a train or bus station or terminal, assisting custom-
36 ers, checking traffic, the sale or collection of tickets, passes, vouch-
37 ers, or other revenue media for use on a train, bus, or ferry or mainte-
38 nance or cleaning of a train, a bus, a ferry, or bus station or
39 terminal, signal system, elevated or underground subway tracks, transit
40 station structure, including fare equipment, escalators, elevators and
41 other equipment necessary to passenger service, commuter rail tracks or
42 stations, train yard or revenue train in passenger service, a ferry
43 station, or such city marshal, school crossing guard, traffic enforce-
44 ment officer, traffic enforcement agent, prosecutor as defined in subdivi-
45 sion thirty-one of section 1.20 of the criminal procedure law, [~~regis-~~
46 ~~tered nurse, licensed practical nurse,~~] physician, physician assistant,
47 health care provider, primary care practitioner or primary care physi-
48 cian, a nurse or nursing professional including a registered nurse,
49 nurse practitioner, certified or licensed nurse practitioner, a certi-
50 fied nursing assistant, or a licensed practical nurse, ambulance person-
51 nel, a director of a hospital or a medical director, employee, attend-
52 ant, agent or volunteer of a hospital as defined in section twenty-eight
53 hundred one of the public health law, public health sanitarian, New York
54 city public health sanitarian, sanitation enforcement agent, New York
55 city sanitation worker, emergency medical service paramedic, or emergen-
56 cy medical service technician is performing an assigned duty; or

1 § 2. This act shall take effect on the sixtieth day after it shall
2 have become a law; provided, however that the amendments to subdivision
3 11 of section 120.05 of the penal law made by section one of this act
4 take effect on the same date and in the same manner as section 2 of part
5 Z of chapter 55 of the laws of 2024 take effect.