

STATE OF NEW YORK

3547

2023-2024 Regular Sessions

IN ASSEMBLY

February 3, 2023

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

AN ACT to amend the penal law, in relation to assaults on department of sanitation workers and nursing professionals

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 subdivision 3 as amended by chapter 267 of the laws of 2016 and subdivi-
3 sion 11 as amended by chapter 233 of the laws of 2022, are amended to
4 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~~] a nursing professional including nurse prac-
8 titioner, certified or licensed nurse practitioners, certified nursing
9 assistants, licensed practical [~~nurse~~] nurses, public health sanitarian,
10 New York city public health sanitarian, sanitation enforcement agent,
11 [~~New York city~~] sanitation worker, a firefighter, including a firefight-
12 er acting as a paramedic or emergency medical technician administering
13 first aid in the course of performance of duty as such firefighter, an
14 emergency medical service paramedic or emergency medical service techni-
15 cian, or medical or related personnel in a hospital emergency depart-
16 ment, a city marshal, a school crossing guard appointed pursuant to
17 section two hundred eight-a of the general municipal law, a traffic
18 enforcement officer, traffic enforcement agent or employee of any entity
19 governed by the public service law in the course of performing an essen-
20 tial service, from performing a lawful duty, by means including releas-
21 ing or failing to control an animal under circumstances evincing the
22 actor's intent that the animal obstruct the lawful activity of such
23 peace officer, police officer, prosecutor as defined in subdivision
24 thirty-one of section 1.20 of the criminal procedure law, [~~registered~~
25 ~~nurse, licensed practical nurse~~] nursing professional, public health

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

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1 sanitarian, New York city public health sanitarian, sanitation enforce-
2 ment agent, [~~New York city~~] sanitation worker, firefighter, paramedic,
3 technician, 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 or employee of an entity
6 governed by the public service law, he or she causes physical injury to
7 such peace officer, police officer, prosecutor as defined in subdivision
8 thirty-one of section 1.20 of the criminal procedure law, [~~registered~~
9 ~~nurse, licensed practical nurse~~] nursing professional, public health
10 sanitarian, New York city public health sanitarian, sanitation enforce-
11 ment agent, [~~New York city~~] sanitation worker, firefighter, paramedic,
12 technician or medical or related personnel in a hospital emergency
13 department, city marshal, school crossing guard, traffic enforcement
14 officer, traffic enforcement agent or employee of an entity governed by
15 the public service law; or

16 11. With intent to cause physical injury to a train operator, ticket
17 inspector, conductor, signalperson, bus operator, station agent, station
18 cleaner, terminal cleaner, station customer assistant; person whose
19 official duties include the sale or collection of tickets, passes,
20 vouchers, or other revenue payment media for use on a train or bus or
21 the collection or handling of revenues therefrom; a person whose offi-
22 cial duties include the maintenance, repair, inspection, troubleshoot-
23 ing, testing or cleaning of buses, a transit signal system, elevated or
24 underground subway tracks, transit station structure, including fare
25 equipment, escalators, elevators and other equipment necessary to
26 passenger service, commuter rail tracks or stations, train yard, revenue
27 train in passenger service, or a train or bus station or terminal; or a
28 supervisor of such personnel, employed by any transit or commuter rail
29 agency, authority or company, public or private, whose operation is
30 authorized by New York state or any of its political subdivisions, a
31 city marshal, a school crossing guard appointed pursuant to section two
32 hundred eight-a of the general municipal law, a traffic enforcement
33 officer, traffic enforcement agent, prosecutor as defined in subdivision
34 thirty-one of section 1.20 of the criminal procedure law, sanitation
35 enforcement agent, [~~New York city~~] sanitation worker, public health
36 sanitarian, New York city public health sanitarian, [~~registered~~] a nurs-
37 ing professional including nurse[7] practitioners, or certified licensed
38 practical [~~nurse~~] nurses, emergency medical service paramedic, or emer-
39 gency medical service technician, he or she causes physical injury to
40 such train operator, ticket inspector, conductor, signalperson, bus
41 operator, station agent, station cleaner, terminal cleaner, station
42 customer assistant; person whose official duties include the sale or
43 collection of tickets, passes, vouchers or other revenue payment media
44 for use on a train or bus or the collection or handling of revenues
45 therefrom; a person whose official duties include the maintenance,
46 repair, inspection, troubleshooting, testing or cleaning of buses, a
47 transit signal system, elevated or underground subway tracks, transit
48 station structure, including fare equipment, escalators, elevators and
49 other equipment necessary to passenger service, commuter rail tracks or
50 stations, train yard, revenue train in passenger service, or a train or
51 bus station or terminal; or a supervisor of such personnel, city
52 marshal, school crossing guard appointed pursuant to section two hundred
53 eight-a of the general municipal law, traffic enforcement officer, traf-
54 fic enforcement agent, prosecutor as defined in subdivision thirty-one
55 of section 1.20 of the criminal procedure law, [~~registered nurse,~~
56 ~~licensed practical nurse~~] nursing professional, public health sanitari-

1 an, New York city public health sanitarian, sanitation enforcement
2 agent, [~~New York city~~] sanitation worker, emergency medical service
3 paramedic, or emergency medical service technician, while such employee
4 is performing an assigned duty on, or directly related to, the operation
5 of a train or bus, cleaning of a train or bus station or terminal,
6 assisting customers, the sale or collection of tickets, passes, vouch-
7 ers, or other revenue media for use on a train or bus, or maintenance or
8 cleaning of a train, a bus, or bus station or terminal, signal system,
9 elevated or underground subway tracks, transit station structure,
10 including fare equipment, escalators, elevators and other equipment
11 necessary to passenger service, commuter rail tracks or stations, train
12 yard or revenue train in passenger service, or such city marshal, school
13 crossing guard, traffic enforcement officer, traffic enforcement agent,
14 prosecutor as defined in subdivision thirty-one of section 1.20 of the
15 criminal procedure law, [~~registered nurse, licensed practical nurse~~]
16 nursing professional, public health sanitarian, New York city public
17 health sanitarian, sanitation enforcement agent, [~~New York city~~] sanita-
18 tion worker, emergency medical service paramedic, or emergency medical
19 service technician is performing an assigned duty; or
20 § 2. This act shall take effect on the ninetieth day after it shall
21 have become a law.