

STATE OF NEW YORK

9924

IN SENATE

October 4, 2024

Introduced by Sen. CHU -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the penal law, in relation to assault on a food delivery person

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

Section 1. The penal law is amended by adding a new section 120.19-a to read as follows:

§ 120.19-a Assault on a food delivery person.

1. A person is guilty of assault on a food delivery person when such person causes physical injury to such food delivery person during the performance of their food delivery responsibilities; or

2. Strikes, shoves, kicks, or otherwise subjects a food delivery person to physical contact, which includes spitting on such food delivery person, and such food delivery person is on-duty.

3. For purposes of this section:

(a) "food delivery person" shall mean a person employed by a restaurant, or put into service by a restaurant or food delivery service, to deliver prepared food to a location outside the restaurant pursuant to an order placed by the purported recipient of the food.

(b) "restaurant" means any coffee shop, cafeteria, luncheonette, sandwich stand, diner, short order cafe, fast food establishment, soda fountain, bubble tea shop, food stand, food truck, and any other eating or beverage establishment which provides food delivery service as an advertised part of its business operation or contracts food delivery services through a third party vendor.

Assault on a food delivery person is a class E felony.

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

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

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