

7577

2011-2012 Regular Sessions

I N A S S E M B L Y

May 10, 2011

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

AN ACT to amend the penal law, in relation to assault of certain persons providing direct patient care

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 as separately amended by chapters 318 and 345 of the laws of 2010, are  
3 amended to read as follows:  
4 3. With intent to prevent a peace officer, a police officer, regis-  
5 tered nurse, licensed practical nurse, sanitation enforcement agent, a  
6 firefighter, including a firefighter acting as a paramedic or emergency  
7 medical technician administering first aid in the course of performance  
8 of duty as such firefighter, an emergency medical service paramedic or  
9 emergency medical service technician, or medical or related personnel in  
10 a hospital emergency department, a city marshal, a traffic enforcement  
11 officer or traffic enforcement agent, from performing a lawful duty, by  
12 means including releasing or failing to control an animal under circum-  
13 stances evincing the actor's intent that the animal obstruct the lawful  
14 activity of such peace officer, police officer, registered nurse,  
15 licensed practical nurse, sanitation enforcement agent, firefighter,  
16 paramedic, technician, city marshal, traffic enforcement officer or  
17 traffic enforcement agent, he or she causes physical injury to such  
18 peace officer, police officer, registered nurse, licensed practical  
19 nurse, sanitation enforcement agent, firefighter, paramedic, technician  
20 or medical or related personnel in a hospital emergency department, city  
21 marshal, traffic enforcement officer or traffic enforcement agent, OR TO  
22 ANY DIRECT-CARE STAFF WHO IS NOT A NURSE PURSUANT TO TITLE EIGHT OF THE  
23 EDUCATION LAW WHOSE PRINCIPAL RESPONSIBILITY IS TO CARRY OUT DIRECT  
24 PATIENT CARE FOR ONE OR MORE PATIENTS OR PROVIDES DIRECT ASSISTANCE IN  
25 THE DELIVERY OF PATIENT CARE IN ANY HOSPITAL, NURSING HOME, RESIDENTIAL

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

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1 HEALTH CARE FACILITY, GENERAL HOSPITAL, GOVERNMENT AGENCY INCLUDING ANY  
2 CHRONIC DISEASE HOSPITAL, MATERNITY HOSPITAL, OUTPATIENT DEPARTMENT,  
3 EMERGENCY CENTER OR SURGICAL CENTER UNDER ARTICLE TWENTY-EIGHT OF THE  
4 PUBLIC HEALTH LAW AND SHALL ALSO INCLUDE ANY FACILITY THAT PROVIDES  
5 HEALTH CARE SERVICES PURSUANT TO THE MENTAL HYGIENE LAW, ARTICLE NINE-  
6 TEEN-G OF THE EXECUTIVE LAW OR THE CORRECTION LAW IF SUCH FACILITY IS  
7 OPERATED BY THE STATE OR A POLITICAL SUBDIVISION OF THE STATE OR A  
8 PUBLIC AUTHORITY OR PUBLIC BENEFIT CORPORATION; or

9 11. With intent to cause physical injury to a train operator, ticket  
10 inspector, conductor, signalperson, bus operator or station agent  
11 employed by any transit agency, authority or company, public or private,  
12 whose operation is authorized by New York state or any of its political  
13 subdivisions, a city marshal, a traffic enforcement officer, traffic  
14 enforcement agent or sanitation enforcement agent, registered nurse or  
15 licensed practical nurse he or she causes physical injury to such train  
16 operator, ticket inspector, conductor, signalperson, bus operator or  
17 station agent, city marshal, traffic enforcement officer, traffic  
18 enforcement agent, registered nurse or licensed practical nurse or sani-  
19 tation enforcement agent, while such employee is performing an assigned  
20 duty on, or directly related to, the operation of a train or bus, or  
21 such city marshal, traffic enforcement officer, traffic enforcement  
22 agent, registered nurse or licensed practical nurse or sanitation  
23 enforcement agent, OR ANY DIRECT-CARE STAFF WHO IS NOT A NURSE PURSUANT  
24 TO TITLE EIGHT OF THE EDUCATION LAW WHOSE PRINCIPAL RESPONSIBILITY IS TO  
25 CARRY OUT DIRECT PATIENT CARE FOR ONE OR MORE PATIENTS OR PROVIDES  
26 DIRECT ASSISTANCE IN THE DELIVERY OF PATIENT CARE IN ANY HOSPITAL, NURS-  
27 ING HOME, RESIDENTIAL HEALTH CARE FACILITY, GENERAL HOSPITAL, GOVERNMENT  
28 AGENCY INCLUDING ANY CHRONIC DISEASE HOSPITAL, MATERNITY HOSPITAL,  
29 OUTPATIENT DEPARTMENT, EMERGENCY CENTER OR SURGICAL CENTER UNDER ARTICLE  
30 TWENTY-EIGHT OF THE PUBLIC HEALTH LAW AND SHALL ALSO INCLUDE ANY FACILI-  
31 TY THAT PROVIDES HEALTH CARE SERVICES PURSUANT TO THE MENTAL HYGIENE  
32 LAW, ARTICLE NINETEEN-G OF THE EXECUTIVE LAW OR THE CORRECTION LAW IF  
33 SUCH FACILITY IS OPERATED BY THE STATE OR A POLITICAL SUBDIVISION OF THE  
34 STATE OR A PUBLIC AUTHORITY OR PUBLIC BENEFIT CORPORATION, WHO IS  
35 performing an assigned duty.

36 S 2. This act shall take effect on the first of November next succeed-  
37 ing the date on which it shall have become a law.