

9401--A

I N A S S E M B L Y

April 25, 2014

Introduced by M. of A. COOK, CLARK, DenDEKKER, CRESPO, TITUS, HOOPER --
Multi-Sponsored by -- M. of A. ABBATE -- read once and referred 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 deeming assault on a
station customer assistant, maintainer, cleaner or janitor while in
performance of their assigned duties to be assault in the second
degree

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-
BLY, DO ENACT AS FOLLOWS:

1 Section 1. Subdivision 11 of section 120.05 of the penal law, as
2 amended by chapter 259 of the laws of 2013, is amended to read as
3 follows:
4 11. With intent to cause physical injury to a train operator, ticket
5 inspector, conductor, signalperson, bus operator [or], station agent,
6 STATION CUSTOMER ASSISTANT, ANY PERSON WHOSE OFFICIAL DUTIES INCLUDE THE
7 SALE OF TICKETS, PASSES, VOUCHERS OR OTHER PAYMENT OF FARE TO USE A
8 TRAIN OR BUS, ANY PERSON WHOSE OFFICIAL DUTIES INCLUDE THE MAINTENANCE
9 OR OPERATION OF A TRAIN OR BUS, OR ANY PERSON WHOSE OFFICIAL DUTIES
10 INCLUDE THE MAINTENANCE OR OPERATION OF A TRAIN OR BUS STATION OR TERMI-
11 NAL employed by any transit agency, authority or company, public or
12 private, whose operation is authorized by New York state or any of its
13 political subdivisions, a city marshal, a traffic enforcement officer,
14 traffic enforcement agent, prosecutor as defined in subdivision thirty-
15 one of section 1.20 of the criminal procedure law, sanitation enforce-
16 ment agent, New York city sanitation worker, registered nurse or
17 licensed practical nurse he or she causes physical injury to such train
18 operator, ticket inspector, conductor, signalperson, bus operator [or],
19 station agent, STATION CUSTOMER ASSISTANT, ANY PERSON WHOSE OFFICIAL
20 DUTIES INCLUDE THE SALE OF TICKETS, PASSES, VOUCHERS OR OTHER PAYMENT OF
21 FARE TO USE A TRAIN OR BUS, ANY PERSON WHOSE OFFICIAL DUTIES INCLUDE THE
22 MAINTENANCE OR OPERATION OF A TRAIN OR BUS, OR ANY PERSON WHOSE OFFICIAL
23 DUTIES INCLUDE THE MAINTENANCE OR OPERATION OF A TRAIN OR BUS STATION OR
24 TERMINAL, city marshal, traffic enforcement officer, traffic enforcement

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

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1 agent, prosecutor as defined in subdivision thirty-one of section 1.20
2 of the criminal procedure law, registered nurse, licensed practical
3 nurse, sanitation enforcement agent or New York city sanitation worker,
4 while such employee is performing an assigned duty on, or directly
5 related to, the operation of a train or bus, INCLUDING THE MAINTENANCE
6 OF A TRAIN OR BUS STATION OR TERMINAL, or such city marshal, traffic
7 enforcement officer, traffic enforcement agent, prosecutor as defined in
8 subdivision thirty-one of section 1.20 of the criminal procedure law,
9 registered nurse, licensed practical nurse, sanitation enforcement agent
10 or New York city sanitation worker, is performing an assigned duty.
11 S 2. This act shall take effect on the one hundred eightieth day after
12 it shall have become a law.