

1089--A

2013-2014 Regular Sessions

I N S E N A T E

(PREFILED)

January 9, 2013

Introduced by Sen. MAZIARZ -- read twice and ordered printed, and when printed to be committed to the Committee on Codes -- recommitted to the Committee on Codes in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 amended by chapter 259 of the laws of 2013, are amended to read as
3 follows:
4 3. With intent to prevent a peace officer, a police officer, prosecu-
5 tor as defined in subdivision thirty-one of section 1.20 of the criminal
6 procedure law, registered nurse, licensed practical nurse, sanitation
7 enforcement agent, New York city sanitation worker, a firefighter,
8 including a firefighter acting as a paramedic or emergency medical tech-
9 nician administering first aid in the course of performance of duty as
10 such firefighter, an emergency medical service paramedic or emergency
11 medical service technician, or medical or related personnel in a hospi-
12 tal emergency department, a city marshal, a traffic enforcement officer
13 or traffic enforcement agent, from performing a lawful duty, by means
14 including releasing or failing to control an animal under circumstances
15 evincing the actor's intent that the animal obstruct the lawful activity
16 of such peace officer, police officer, prosecutor as defined in subdivi-
17 sion thirty-one of section 1.20 of the criminal procedure law, regis-
18 tered nurse, licensed practical nurse, sanitation enforcement agent, New
19 York city sanitation worker, firefighter, paramedic, technician, city
20 marshal, traffic enforcement officer or traffic enforcement agent, he or
21 she causes physical injury to such peace officer, police officer, prose-

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

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1 cutor as defined in subdivision thirty-one of section 1.20 of the crimi-
2 nal procedure law, registered nurse, licensed practical nurse, sanita-
3 tion enforcement agent, New York city sanitation worker, firefighter,
4 paramedic, technician or medical or related personnel in a hospital
5 emergency department, city marshal, traffic enforcement officer or traf-
6 fic enforcement agent, OR TO ANY DIRECT-CARE STAFF WHO IS NOT A NURSE
7 PURSUANT TO TITLE EIGHT OF THE EDUCATION LAW WHOSE PRINCIPAL RESPONSI-
8 BILITY IS TO CARRY OUT DIRECT PATIENT CARE FOR ONE OR MORE PATIENTS OR
9 PROVIDES DIRECT ASSISTANCE IN THE DELIVERY OF PATIENT CARE IN ANY HOSPI-
10 TAL, NURSING HOME, RESIDENTIAL HEALTH CARE FACILITY, GENERAL HOSPITAL,
11 GOVERNMENT AGENCY INCLUDING ANY CHRONIC DISEASE HOSPITAL, MATERNITY
12 HOSPITAL, OUTPATIENT DEPARTMENT, EMERGENCY CENTER OR SURGICAL CENTER
13 UNDER ARTICLE TWENTY-EIGHT OF THE PUBLIC HEALTH LAW AND SHALL ALSO
14 INCLUDE ANY FACILITY THAT PROVIDES HEALTH CARE SERVICES PURSUANT TO THE
15 MENTAL HYGIENE LAW, ARTICLE NINETEEN-G OF THE EXECUTIVE LAW OR THE
16 CORRECTION LAW IF SUCH FACILITY IS OPERATED BY THE STATE OR A POLITICAL
17 SUBDIVISION OF THE STATE OR A PUBLIC AUTHORITY OR PUBLIC BENEFIT CORPO-
18 RATION; or

19 11. With intent to cause physical injury to a train operator, ticket
20 inspector, conductor, signalperson, bus operator or station agent
21 employed by any transit agency, authority or company, public or private,
22 whose operation is authorized by New York state or any of its political
23 subdivisions, a city marshal, a traffic enforcement officer, traffic
24 enforcement agent, prosecutor as defined in subdivision thirty-one of
25 section 1.20 of the criminal procedure law, sanitation enforcement
26 agent, New York city sanitation worker, registered nurse or licensed
27 practical nurse he or she causes physical injury to such train operator,
28 ticket inspector, conductor, signalperson, bus operator or station
29 agent, city marshal, traffic enforcement officer, traffic enforcement
30 agent, prosecutor as defined in subdivision thirty-one of section 1.20
31 of the criminal procedure law, registered nurse, licensed practical
32 nurse, sanitation enforcement agent or New York city sanitation worker,
33 while such employee is performing an assigned duty on, or directly
34 related to, the operation of a train or bus, or such city marshal, traf-
35 fic enforcement officer, traffic enforcement agent, prosecutor as
36 defined in subdivision thirty-one of section 1.20 of the criminal proce-
37 dure law, registered nurse, licensed practical nurse, sanitation
38 enforcement agent or New York city sanitation worker, OR ANY DIRECT-CARE
39 STAFF WHO IS NOT A NURSE PURSUANT TO TITLE EIGHT OF THE EDUCATION LAW
40 WHOSE PRINCIPAL RESPONSIBILITY IS TO CARRY OUT DIRECT PATIENT CARE FOR
41 ONE OR MORE PATIENTS OR PROVIDES DIRECT ASSISTANCE IN THE DELIVERY OF
42 PATIENT CARE IN ANY HOSPITAL, NURSING HOME, RESIDENTIAL HEALTH CARE
43 FACILITY, GENERAL HOSPITAL, GOVERNMENT AGENCY INCLUDING ANY CHRONIC
44 DISEASE HOSPITAL, MATERNITY HOSPITAL, OUTPATIENT DEPARTMENT, EMERGENCY
45 CENTER OR SURGICAL CENTER UNDER ARTICLE TWENTY-EIGHT OF THE PUBLIC
46 HEALTH LAW AND SHALL ALSO INCLUDE ANY FACILITY THAT PROVIDES HEALTH CARE
47 SERVICES PURSUANT TO THE MENTAL HYGIENE LAW, ARTICLE NINETEEN-G OF THE
48 EXECUTIVE LAW OR THE CORRECTION LAW IF SUCH FACILITY IS OPERATED BY THE
49 STATE OR A POLITICAL SUBDIVISION OF THE STATE OR A PUBLIC AUTHORITY OR
50 PUBLIC BENEFIT CORPORATION is performing an assigned duty.

51 S 2. This act shall take effect on the first of November next succeed-
52 ing the date on which it shall have become a law; provided, however,
53 that if chapter 259 of the laws of 2013 shall not have taken effect on
54 or before such date, this act shall take effect on the same date as
55 chapter 259 of the laws of 2013, takes effect.