

1089--B

Cal. No. 1043

2013-2014 Regular Sessions

I N S E N A T E

(PREFILED)

January 9, 2013

Introduced by Sens. MAZIARZ, ADDABBO, AVELLA, GIPSON, GRISANTI, HANNON, ROBACH, VALESKY -- 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 -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

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. Section 120.05 of the penal law is amended by adding two
2 new subdivisions 3-b and 11-b to read as follows:
3 3-B. WITH INTENT TO PREVENT AN EMPLOYEE PROVIDING DIRECT PATIENT
4 CARE, WHO IS NOT A NURSE PURSUANT TO TITLE EIGHT OF THE EDUCATION LAW,
5 WHOSE PRINCIPAL EMPLOYMENT RESPONSIBILITY IS TO CARRY OUT DIRECT PATIENT
6 CARE FOR ONE OR MORE PATIENTS IN ANY HOSPITAL, NURSING HOME, RESIDENTIAL
7 HEALTH CARE FACILITY, GENERAL HOSPITAL, GOVERNMENT AGENCY INCLUDING ANY
8 CHRONIC DISEASE HOSPITAL, MATERNITY HOSPITAL, OUTPATIENT DEPARTMENT,
9 EMERGENCY CENTER OR SURGICAL CENTER UNDER ARTICLE TWENTY-EIGHT OF THE
10 PUBLIC HEALTH LAW AND ANY FACILITY THAT PROVIDES DIRECT PATIENT CARE OR
11 HEALTH CARE SERVICES PURSUANT TO THE MENTAL HYGIENE LAW, OR THE
12 CORRECTION LAW IF SUCH FACILITY IS OPERATED BY THE STATE OR A POLITICAL
13 SUBDIVISION OF THE STATE OR A PUBLIC AUTHORITY OR PUBLIC BENEFIT CORPO-
14 RATION, FROM PERFORMING A LAWFUL DUTY, HE OR SHE CAUSES PHYSICAL INJURY
15 TO SUCH EMPLOYEE PROVIDING DIRECT PATIENT CARE.
16 11-B. WITH INTENT TO CAUSE PHYSICAL INJURY TO AN EMPLOYEE PROVIDING
17 DIRECT PATIENT CARE, WHO IS NOT A NURSE PURSUANT TO TITLE EIGHT OF THE
18 EDUCATION LAW, WHOSE PRINCIPAL EMPLOYMENT RESPONSIBILITY IS TO CARRY OUT

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

LBD02264-11-4

1 DIRECT PATIENT CARE FOR ONE OR MORE PATIENTS IN ANY HOSPITAL, NURSING
2 HOME, RESIDENTIAL HEALTH CARE FACILITY, GENERAL HOSPITAL, GOVERNMENT
3 AGENCY INCLUDING ANY CHRONIC DISEASE HOSPITAL, MATERNITY HOSPITAL,
4 OUTPATIENT DEPARTMENT, EMERGENCY CENTER OR SURGICAL CENTER UNDER ARTICLE
5 TWENTY-EIGHT OF THE PUBLIC HEALTH LAW AND ANY FACILITY THAT PROVIDES
6 DIRECT PATIENT CARE OR HEALTH CARE SERVICES PURSUANT TO THE MENTAL
7 HYGIENE LAW, OR THE CORRECTION LAW IF SUCH FACILITY IS OPERATED BY THE
8 STATE OR A POLITICAL SUBDIVISION OF THE STATE OR A PUBLIC AUTHORITY OR
9 PUBLIC BENEFIT CORPORATION, HE OR SHE CAUSES PHYSICAL INJURY TO SUCH
10 EMPLOYEE PROVIDING DIRECT PATIENT CARE WHILE SUCH EMPLOYEE IS PERFORMING
11 A LAWFUL DUTY.

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