

1451--A

2015-2016 Regular Sessions

I N   S E N A T E

January 12, 2015

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Introduced by Sen. GOLDEN -- 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 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 ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. Subdivision 11 of section 120.05 of the penal law, as  
2     amended by chapter 487 of the laws of 2015, 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 STATION OR TERMINAL employed by any tran-  
10    sit agency, authority or company, public or private, whose operation is  
11    authorized by New York state or any of its political subdivisions, a  
12    city marshal, a school crossing guard appointed pursuant to section two  
13    hundred eight-a of the general municipal law, a traffic enforcement  
14    officer, traffic enforcement agent, prosecutor as defined in subdivision  
15    thirty-one of section 1.20 of the criminal procedure law, sanitation  
16    enforcement agent, New York city sanitation worker, registered nurse,  
17    licensed practical nurse, emergency medical service paramedic, or emer-  
18    gency medical service technician, he or she causes physical injury to  
19    such train operator, ticket inspector, conductor, signalperson, bus  
20    operator [or], station agent, STATION CUSTOMER ASSISTANT, ANY PERSON

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

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1 WHOSE OFFICIAL DUTIES INCLUDE THE SALE OF TICKETS, PASSES, VOUCHERS OR  
2 OTHER PAYMENT OF FARE TO USE A TRAIN OR BUS, ANY PERSON WHOSE OFFICIAL  
3 DUTIES INCLUDE THE MAINTENANCE OR OPERATION OF A TRAIN OR BUS STATION OR  
4 TERMINAL, city marshal, school crossing guard appointed pursuant to  
5 section two hundred eight-a of the general municipal law, traffic  
6 enforcement officer, traffic enforcement agent, prosecutor as defined in  
7 subdivision thirty-one of section 1.20 of the criminal procedure law,  
8 registered nurse, licensed practical nurse, sanitation enforcement  
9 agent, New York city sanitation worker, emergency medical service  
10 paramedic, or emergency medical service technician, while such employee  
11 is performing an assigned duty on, or directly related to, the operation  
12 of a train or bus, INCLUDING THE MAINTENANCE OF A TRAIN OR BUS STATION  
13 OR TERMINAL, or such city marshal, school crossing guard, traffic  
14 enforcement officer, traffic enforcement agent, prosecutor as defined in  
15 subdivision thirty-one of section 1.20 of the criminal procedure law,  
16 registered nurse, licensed practical nurse, sanitation enforcement  
17 agent, New York city sanitation worker, emergency medical service  
18 paramedic, or emergency medical service technician is performing an  
19 assigned duty.

20 S 2. Subdivision 11 of section 120.05 of the penal law, as separately  
21 amended by chapters 472 and 487 of the laws of 2015, is amended to read  
22 as follows:

23 11. With intent to cause physical injury to a train operator, ticket  
24 inspector, conductor, signalperson, bus operator [or], station agent,  
25 STATION CUSTOMER ASSISTANT, ANY PERSON WHOSE OFFICIAL DUTIES INCLUDE THE  
26 SALE OF TICKETS, PASSES, VOUCHERS OR OTHER PAYMENT OF FARE TO USE A  
27 TRAIN OR BUS, ANY PERSON WHOSE OFFICIAL DUTIES INCLUDE THE MAINTENANCE  
28 OR OPERATION OF A TRAIN OR BUS STATION TERMINAL employed by any transit  
29 agency, authority or company, public or private, whose operation is  
30 authorized by New York state or any of its political subdivisions, a  
31 city marshal, a school crossing guard appointed pursuant to section two  
32 hundred eight-a of the general municipal law, a traffic enforcement  
33 officer, traffic enforcement agent, prosecutor as defined in subdivision  
34 thirty-one of section 1.20 of the criminal procedure law, sanitation  
35 enforcement agent, New York city sanitation worker, public health sani-  
36 tarian, New York city public health sanitarian, registered nurse,  
37 licensed practical nurse, emergency medical service paramedic, or emer-  
38 gency medical service technician, he or she causes physical injury to  
39 such train operator, ticket inspector, conductor, signalperson, bus  
40 operator [or], station agent, STATION CUSTOMER ASSISTANT, ANY PERSON  
41 WHOSE OFFICIAL DUTIES INCLUDE THE SALE OF TICKETS, PASSES, VOUCHERS OR  
42 OTHER PAYMENT OF FARE TO USE A TRAIN OR BUS, ANY PERSON WHOSE OFFICIAL  
43 DUTIES INCLUDE THE MAINTENANCE OR OPERATION OF A TRAIN OR BUS STATION  
44 TERMINAL, city marshal, school crossing guard appointed pursuant to  
45 section two hundred eight-a of the general municipal law, traffic  
46 enforcement officer, traffic enforcement agent, prosecutor as defined in  
47 subdivision thirty-one of section 1.20 of the criminal procedure law,  
48 registered nurse, licensed practical nurse, public health sanitarian,  
49 New York city public health sanitarian, sanitation enforcement agent,  
50 New York city sanitation worker, emergency medical service paramedic, or  
51 emergency medical service technician, while such employee is performing  
52 an assigned duty on, or directly related to, the operation of a train or  
53 bus, INCLUDING THE MAINTENANCE OF A TRAIN OR BUS STATION OR TERMINAL, or  
54 such city marshal, school crossing guard, traffic enforcement officer,  
55 traffic enforcement agent, prosecutor as defined in subdivision thirty-  
56 one of section 1.20 of the criminal procedure law, registered nurse,

1 licensed practical nurse, public health sanitarian, New York city public  
2 health sanitarian, sanitation enforcement agent, New York city sanita-  
3 tion worker, emergency medical service paramedic, or emergency medical  
4 service technician is performing an assigned duty.

5 S 3. This act shall take effect on the one hundred eightieth day after  
6 it shall have become a law; provided, however, that section two of this  
7 act shall take effect on the same date and in the same manner as chapter  
8 472 of the laws of 2015 takes effect.