

1034--A

2015-2016 Regular Sessions

I N   A S S E M B L Y

January 8, 2015

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Introduced by M. of A. GUNTHER, LAVINE, ORTIZ, TITONE, CRESPO, HOOPER, CLARK, JAFFEE, BRINDISI, RYAN, SKOUFIS, LUPARDO, SCHIMMINGER, ROBINSON, SCHIMEL, MILLER, FAHY, SANTABARBARA, MONTESANO, WALTER -- Multi-Sponsored by -- M. of A. ARROYO, CORWIN, DUPREY, FINCH, GALEF, HAWLEY, LUPINACCI, MAGEE, MALLIOTAKIS, RAIA, RAMOS, RIVERA, SALADINO -- 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 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-c and 11-c to read as follows:  
3     3-C. 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, FROM PERFORMING A LAWFUL DUTY, HE OR SHE CAUSES PHYS-  
11 ICAL INJURY TO SUCH EMPLOYEE PROVIDING DIRECT PATIENT CARE; OR  
12     11-C. WITH INTENT TO CAUSE PHYSICAL INJURY TO AN EMPLOYEE PROVIDING  
13 DIRECT PATIENT CARE, WHO IS NOT A NURSE PURSUANT TO TITLE EIGHT OF THE  
14 EDUCATION LAW, WHOSE PRINCIPAL EMPLOYMENT RESPONSIBILITY IS TO CARRY OUT  
15 DIRECT PATIENT CARE FOR ONE OR MORE PATIENTS IN ANY HOSPITAL, NURSING  
16 HOME, RESIDENTIAL HEALTH CARE FACILITY, GENERAL HOSPITAL, GOVERNMENT  
17 AGENCY INCLUDING ANY CHRONIC DISEASE HOSPITAL, MATERNITY HOSPITAL,  
18 OUTPATIENT DEPARTMENT, EMERGENCY CENTER OR SURGICAL CENTER UNDER ARTICLE  
19 TWENTY-EIGHT OF THE PUBLIC HEALTH LAW, HE OR SHE CAUSES PHYSICAL INJURY

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

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1 TO SUCH EMPLOYEE PROVIDING DIRECT PATIENT CARE WHILE SUCH EMPLOYEE IS  
2 PERFORMING A LAWFUL DUTY; OR  
3 S 2. This act shall take effect on the first of November next succeed-  
4 ing the date on which it shall have become a law.