

3621

2015-2016 Regular Sessions

I N   S E N A T E

February 13, 2015

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Introduced by Sen. FUNKE -- read twice and ordered printed, and when  
printed to be committed to the Committee on Codes

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 ASSEM-  
BLY, 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 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-C. 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  
19 DIRECT PATIENT CARE FOR ONE OR MORE PATIENTS IN ANY HOSPITAL, NURSING  
20 HOME, RESIDENTIAL HEALTH CARE FACILITY, GENERAL HOSPITAL, GOVERNMENT  
21 AGENCY INCLUDING ANY CHRONIC DISEASE HOSPITAL, MATERNITY HOSPITAL,  
22 OUTPATIENT DEPARTMENT, EMERGENCY CENTER OR SURGICAL CENTER UNDER ARTICLE  
23 TWENTY-EIGHT OF THE PUBLIC HEALTH LAW AND ANY FACILITY THAT PROVIDES  
24 DIRECT PATIENT CARE OR HEALTH CARE SERVICES PURSUANT TO THE MENTAL  
25 HYGIENE LAW, OR THE CORRECTION LAW IF SUCH FACILITY IS OPERATED BY THE

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

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1 STATE OR A POLITICAL SUBDIVISION OF THE STATE OR A PUBLIC AUTHORITY OR  
2 PUBLIC BENEFIT CORPORATION, HE OR SHE CAUSES PHYSICAL INJURY TO SUCH  
3 EMPLOYEE PROVIDING DIRECT PATIENT CARE WHILE SUCH EMPLOYEE IS PERFORMING  
4 A LAWFUL DUTY.

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