

# STATE OF NEW YORK

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4325--A

2017-2018 Regular Sessions

## IN SENATE

February 9, 2017

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Introduced by Sen. GOLDEN -- read twice and ordered printed, and when printed to be committed 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 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 separately amended by chapters 268 and 281 of the laws of 2016, is  
3 amended to read as follows:

4 11. With intent to cause physical injury to a train operator, ticket  
5 inspector, conductor, signalperson, bus operator, station agent,  
6 [~~station cleaner or terminal cleaner~~] station customer assistant, any  
7 person whose official duties include the sale of tickets, passes, vouch-  
8 ers or other payment of fare to use a train or bus, any person whose  
9 official duties include the maintenance or operation of a train or bus  
10 station, terminal, tracks or yards employed by any transit agency,  
11 authority or company, public or private, whose operation is authorized  
12 by New York state or any of its political subdivisions, a city marshal,  
13 a school crossing guard appointed pursuant to section two hundred  
14 eight-a of the general municipal law, a traffic enforcement officer,  
15 traffic enforcement agent, prosecutor as defined in subdivision thirty-  
16 one of section 1.20 of the criminal procedure law, sanitation enforce-  
17 ment agent, New York city sanitation worker, [~~public health sanitarian,~~  
18 ~~New York city public health sanitarian,~~] registered nurse, licensed  
19 practical nurse, emergency medical service paramedic, or emergency  
20 medical service technician, he or she causes physical injury to such  
21 train operator, ticket inspector, conductor, signalperson, bus operator,

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

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1 station agent, [~~station cleaner or terminal cleaner~~] station customer  
2 assistant, any person whose official duties include the sale of tickets,  
3 passes, vouchers or other payment of fare to use a train or bus, any  
4 person whose official duties include the maintenance or operation of a  
5 train or bus station, terminal, tracks or yards, city marshal, school  
6 crossing guard appointed pursuant to section two hundred eight-a of the  
7 general municipal law, traffic enforcement officer, traffic enforcement  
8 agent, prosecutor as defined in subdivision thirty-one of section 1.20  
9 of the criminal procedure law, registered nurse, licensed practical  
10 nurse, [~~public health sanitarian, New York city public health sanitari-~~  
11 ~~an,~~] sanitation enforcement agent, New York city sanitation worker,  
12 emergency medical service paramedic, or emergency medical service tech-  
13 nician, while such employee is performing an assigned duty on, or  
14 directly related to, the operation of a train or bus, [~~including the~~  
15 ~~cleaning of a train or bus station or terminal~~] including the mainte-  
16 nance of a train or bus station, terminal, tracks or yards, or such city  
17 marshal, school crossing guard, traffic enforcement officer, traffic  
18 enforcement agent, prosecutor as defined in subdivision thirty-one of  
19 section 1.20 of the criminal procedure law, registered nurse, licensed  
20 practical nurse, [~~public health sanitarian, New York city public health~~  
21 ~~sanitarian,~~] sanitation enforcement agent, New York city sanitation  
22 worker, emergency medical service paramedic, or emergency medical  
23 service technician is performing an assigned duty; or  
24 § 2. This act shall take effect on the one hundred eightieth day after  
25 it shall have become a law.