

# STATE OF NEW YORK

4373

2017-2018 Regular Sessions

## IN SENATE

February 10, 2017

Introduced by Sen. ALCANTARA -- 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 establishing the crime of endangering the welfare of a worker

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Paragraph (c) of subdivision 2 of section 20.20 of the  
2 penal law, as amended by chapter 671 of the laws of 1986, is amended to  
3 read as follows:

4 (c) The conduct constituting the offense is engaged in by an agent of  
5 the corporation while acting within the scope of his employment and in  
6 behalf of the corporation, and the offense is (i) a misdemeanor or a  
7 violation, (ii) one defined by a statute which clearly indicates a  
8 legislative intent to impose such criminal liability on a corporation,  
9 ~~[ex]~~ (iii) any offense set forth in title twenty-seven of article seven-  
10 ty-one of the environmental conservation law, or (iv) an offense set  
11 forth in sections 122.00, 122.05 or 122.10 of this chapter.

12 § 2. Paragraphs (a) and (b) of subdivision 1 of section 80.10 of the  
13 penal law, as amended by section 28 of subpart A of part H of chapter 55  
14 of the laws of 2014, are amended to read as follows:

15 (a) Ten thousand dollars, when the conviction is of a felony;  
16 provided, however, that when the conviction is of a felony specified in  
17 article 122 of this chapter, such fine may be up to five times said  
18 amount;

19 (b) Five thousand dollars, when the conviction is of a class A misde-  
20 meanor or of an unclassified misdemeanor for which a term of imprison-  
21 ment in excess of three months is authorized; provided, however, that  
22 when the conviction is of a class A misdemeanor specified in article 122  
23 of this chapter, such fine may be up to five times said amount;

24 § 3. The penal law is amended by adding a new article 122 to read as  
25 follows:

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

LBD07355-01-7

ARTICLE 122WORKPLACE SAFETY OFFENSES

Section 122.00 Endangering the welfare of a worker in the third degree.

122.05 Endangering the welfare of a worker in the second degree.

122.10 Endangering the welfare of a worker in the first degree.

§ 122.00 Endangering the welfare of a worker in the third degree.

A person is guilty of endangering the welfare of a worker in the third degree when, being an employer or a person acting in a supervisory role on behalf of an employer, and knowing or having reason to know of a federal, state or local law, standard, rule, order or regulation applicable to a work place safety protocol or procedure, such person ignores, disregards or fails to comply with such law, standard, rule, order or regulation and such conduct directly exposes a worker, acting pursuant to such worker's assigned duties, to a risk of bodily injury.

Endangering the welfare of a worker in the third degree is a class A misdemeanor.

§ 122.05 Endangering the welfare of a worker in the second degree.

A person is guilty of endangering the welfare of a worker in the second degree when, being an employer or a person acting in a supervisory role on behalf of an employer, and knowing or having reason to know of a federal, state or local law, standard, rule, order or regulation applicable to a work place safety protocol or procedure, such person ignores, disregards or fails to comply with such law, standard, rule, order or regulation and such conduct contributes directly to serious physical injury to a worker acting pursuant to such worker's assigned duties.

Endangering the welfare of a worker in the second degree is a class E felony.

§ 122.10 Endangering the welfare of a worker in the first degree.

A person is guilty of endangering the welfare of a worker in the first degree when, being an employer or a person acting in a supervisory role on behalf of an employer, and knowing or having reason to know of a federal, state or local law, standard, rule, order or regulation applicable to a work place safety protocol or procedure, such person ignores, disregards or fails to comply with such law, standard, rule, order or regulation and such conduct contributes directly to the death of a worker acting pursuant to such worker's assigned duties.

Endangering the welfare of a worker in the first degree is a class D felony.

§ 4. This act shall take effect on the thirtieth day after it shall have become a law.