

# STATE OF NEW YORK

8055

## IN SENATE

March 22, 2018

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 the assault of physicians providing direct patient care

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

1 Section 1. Subdivision 3 of section 120.05 of the penal law, as  
2 amended by chapter 267 of the laws of 2016, is amended to read as  
3 follows:

4 3. With intent to prevent a peace officer, a police officer, prosecu-  
5 tor as defined in subdivision thirty-one of section 1.20 of the criminal  
6 procedure law, a physician as defined in article one hundred thirty-one  
7 of the education law, registered nurse, licensed practical nurse, public  
8 health sanitarian, New York city public health sanitarian, sanitation  
9 enforcement agent, New York city sanitation worker, a firefighter,  
10 including a firefighter acting as a paramedic or emergency medical tech-  
11 nician administering first aid in the course of performance of duty as  
12 such firefighter, an emergency medical service paramedic or emergency  
13 medical service technician, or medical or related personnel in a hospi-  
14 tal emergency department, a city marshal, a school crossing guard  
15 appointed pursuant to section two hundred eight-a of the general municip-  
16 al law, a traffic enforcement officer, traffic enforcement agent or  
17 employee of any entity governed by the public service law in the course  
18 of performing an essential service, from performing a lawful duty, by  
19 means including releasing or failing to control an animal under circum-  
20 stances evincing the actor's intent that the animal obstruct the lawful  
21 activity of such peace officer, police officer, prosecutor as defined in  
22 subdivision thirty-one of section 1.20 of the criminal procedure law, a  
23 physician as defined in article one hundred thirty-one of the education  
24 law, registered nurse, licensed practical nurse, public health sanitari-  
25 an, New York city public health sanitarian, sanitation enforcement  
26 agent, New York city sanitation worker, firefighter, paramedic, techni-  
27 cian, city marshal, school crossing guard appointed pursuant to section  
28 two hundred eight-a of the general municipal law, traffic enforcement

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

LBD15171-01-8

1 officer, traffic enforcement agent or employee of an entity governed by  
2 the public service law, he or she causes physical injury to such peace  
3 officer, police officer, prosecutor as defined in subdivision thirty-one  
4 of section 1.20 of the criminal procedure law, a physician as defined in  
5 article one hundred thirty-one of the education law, registered nurse,  
6 licensed practical nurse, public health sanitarian, New York city public  
7 health sanitarian, sanitation enforcement agent, New York city sanita-  
8 tion worker, firefighter, paramedic, technician or medical or related  
9 personnel in a hospital emergency department, city marshal, school  
10 crossing guard, traffic enforcement officer, traffic enforcement agent  
11 or employee of an entity governed by the public service law; or

12 § 2. Subdivision 3-c of section 120.05 of the penal law, as added by  
13 chapter 423 of the laws of 2015, is amended to read as follows:

14 3-c. With intent to prevent an employee providing direct patient care,  
15 who is not a nurse pursuant to title eight of the education law, whose  
16 principal employment responsibility is to carry out direct patient care  
17 for one or more patients in any hospital, nursing home, residential  
18 health care facility, general hospital, government agency including any  
19 chronic disease hospital, maternity hospital, outpatient department,  
20 emergency center or surgical center under article twenty-eight of the  
21 public health law or other setting where direct patient care is  
22 provided, from performing a lawful duty, he or she causes physical inju-  
23 ry to such employee providing direct patient care; or

24 § 3. Subdivision 11-c of section 120.05 of the penal law, as added by  
25 chapter 423 of the laws of 2015, is amended to read as follows:

26 11-c. With intent to cause physical injury to an employee providing  
27 direct patient care, who is not a nurse pursuant to title eight of the  
28 education law, whose principal employment responsibility is to carry out  
29 direct patient care for one or more patients in any hospital, nursing  
30 home, residential health care facility, general hospital, government  
31 agency including any chronic disease hospital, maternity hospital,  
32 outpatient department, emergency center or surgical center under article  
33 twenty-eight of the public health law or other setting where direct  
34 patient care is provided, he or she causes physical injury to such  
35 employee providing direct patient care while such employee is performing  
36 a lawful duty; or

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