# STATE OF NEW YORK

2460

2019-2020 Regular Sessions

# IN ASSEMBLY

January 22, 2019

Introduced by M. of A. JOYNER, FERNANDEZ, DICKENS, ORTIZ, SEAWRIGHT, RIVERA, MOSLEY, NIOU, D'URSO, ARROYO, SIMON, LAVINE, COOK, L. ROSENTHAL -- Multi-Sponsored by -- M. of A. ABBATE, CRESPO, ENGLEBRIGHT -- read once and referred 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:**

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

3. With intent to prevent a peace officer, a police officer, prosecutor as defined in subdivision thirty-one of section 1.20 of the criminal procedure law, **a physician as defined in article one hundred thirty-one of the education law,** registered nurse, licensed practical nurse, public health sanitarian, New York city public health sanitarian, sanitation enforcement agent, New York city sanitation worker, a firefighter, including a firefighter acting as a paramedic or emergency medical technician administering first aid in the course of performance of duty as such firefighter, an emergency medical service paramedic or emergency medical service technician, or medical or related personnel in a hospital emergency department, a city marshal, a school crossing guard appointed pursuant to section two hundred eight-a of the general municipal law, a traffic enforcement officer, traffic enforcement agent or employee of any entity governed by the public service law in the course of performing an essential service, from performing a lawful duty, by means including releasing or failing to control an animal under circumstances evincing the actor's intent that the animal obstruct the lawful activity of such peace officer, police officer, prosecutor as defined in subdivision thirty-one of section 1.20 of the criminal procedure law, **a physician as defined in article one hundred thirty-one of the education**

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

LBD00488-01-9

law, registered nurse, licensed practical nurse, public health sanitarian, New York city public health sanitarian, sanitation enforcement agent, New York city sanitation worker, firefighter, paramedic, technician, city marshal, school crossing guard appointed pursuant to section two hundred eight-a of the general municipal law, traffic enforcement officer, traffic enforcement agent or employee of an entity governed by the public service law, he or she causes physical injury to such peace officer, police officer, prosecutor as defined in subdivision thirty-one of section 1.20 of the criminal procedure law, a physician as defined in article one hundred thirty-one of the education law, registered nurse, licensed practical nurse, public health sanitarian, New York city public health sanitarian, sanitation enforcement agent, New York city sanitation worker, firefighter, paramedic, technician or medical or related personnel in a hospital emergency department, city marshal, school crossing guard, traffic enforcement officer, traffic enforcement agent or employee of an entity governed by the public service law; or

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

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

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

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

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