STATE OF NEW YORK

5145--A

2019-2020 Regular Sessions

IN ASSEMBLY

February 7, 2019

Introduced by M. of A. COOK, TITUS, DenDEKKER, CRESPO, COLTON, CRUZ, GRIFFIN, ENGLEBRIGHT, ARROYO, DAVILA -- Multi-Sponsored by -- M. of A. ABBATE -- read once and referred 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:

Section 1. Subdivision 11 of section 120.05 of the penal law, as separately amended by chapters 268 and 281 of the laws of 2016, is amended to read as follows:

11. With intent to cause physical injury to a train operator, ticket inspector, conductor, signalperson, bus operator, station agent, [~~station cleaner or terminal cleaner~~] **station customer assistant, any person whose official duties include the sale of tickets, passes, vouchers or other payment of fare to use a train or bus, any person whose official duties include the maintenance or operation of a train or bus station, terminal, tracks or yards** employed by any transit agency, authority or company, public or private, whose operation is authorized by New York state or any of its political subdivisions, 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, prosecutor as defined in subdivision thirty-one of section 1.20 of the criminal procedure law, sanitation enforcement agent, New York city sanitation worker, public health sanitarian, New York city public health sanitarian, registered nurse, licensed practical nurse, emergency medical service paramedic, or emergency medical service technician, he or she causes physical injury to such train oper-

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

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ator, ticket inspector, conductor, signalperson, bus operator, station agent, [~~station cleaner or terminal cleaner~~] **station customer assistant, any person whose official duties include the sale of tickets, passes, vouchers or other payment of fare to use a train or bus, any person whose official duties include the maintenance or operation of a train or bus station, terminal, tracks or yards**, city marshal, school crossing guard appointed pursuant to section two hundred eight-a of the general municipal law, traffic enforcement officer, traffic enforcement agent, prosecutor as defined in subdivision thirty-one of section 1.20 of the criminal procedure law, registered nurse, licensed practical nurse, public health sanitarian, New York city public health sanitarian, sanitation enforcement agent, New York city sanitation worker, emergency medical service paramedic, or emergency medical service technician, while such employee is performing an assigned duty on, or directly related to, the operation of a train or bus, [~~including the cleaning of a train or bus station or terminal~~] **including the maintenance of a train or bus station, terminal, tracks or yards**, or such city marshal, school crossing guard, traffic enforcement officer, traffic enforcement agent, prosecutor as defined in subdivision thirty-one of section 1.20 of the criminal procedure law, registered nurse, licensed practical nurse, public health sanitarian, New York city public health sanitarian, sanitation enforcement agent, New York city sanitation worker, emergency medical service paramedic, or emergency medical service technician is performing an assigned duty; or

§ 2. This act shall take effect on the one hundred eightieth day after it shall have become a law.