

# STATE OF NEW YORK

634

2019-2020 Regular Sessions

## IN SENATE

(Prefiled)

January 9, 2019

Introduced by Sen. BOYLE -- 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 protecting registered security guards in a hospital or health care facility from assault

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

1 Section 1. Subdivisions 3 and 11 of section 120.05 of the penal law,  
2 subdivision 3 as amended by chapter 267 of the laws of 2016 and subdivi-  
3 sion 11 as separately amended by chapters 268 and 281 of the laws of  
4 2016, are amended to read as follows:  
5 3. With intent to prevent a peace officer, a police officer, prosecu-  
6 tor as defined in subdivision thirty-one of section 1.20 of the criminal  
7 procedure law, registered nurse, licensed practical nurse, public health  
8 sanitarian, New York city public health sanitarian, sanitation enforce-  
9 ment agent, New York city sanitation worker, a firefighter, including a  
10 firefighter acting as a paramedic or emergency medical technician admin-  
11 istering first aid in the course of performance of duty as such fire-  
12 fighter, an emergency medical service paramedic or emergency medical  
13 service technician, or medical or related personnel in a hospital emer-  
14 gency department, a registered security guard in a hospital or health  
15 care facility, a city marshal, a school crossing guard appointed pursu-  
16 ant to section two hundred eight-a of the general municipal law, a traf-  
17 fic enforcement officer, traffic enforcement agent or employee of any  
18 entity governed by the public service law in the course of performing an  
19 essential service, from performing a lawful duty, by means including  
20 releasing or failing to control an animal under circumstances evincing  
21 the actor's intent that the animal obstruct the lawful activity of such  
22 peace officer, police officer, prosecutor as defined in subdivision  
23 thirty-one of section 1.20 of the criminal procedure law, registered  
24 nurse, licensed practical nurse, public health sanitarian, New York city

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

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1 public health sanitarian, sanitation enforcement agent, New York city  
2 sanitation worker, firefighter, paramedic, technician, city marshal,  
3 school crossing guard appointed pursuant to section two hundred eight-a  
4 of the general municipal law, traffic enforcement officer, traffic  
5 enforcement agent or employee of an entity governed by the public  
6 service law, he or she causes physical injury to such peace officer,  
7 police officer, prosecutor as defined in subdivision thirty-one of  
8 section 1.20 of the criminal procedure law, registered nurse, licensed  
9 practical nurse, public health sanitarian, New York city public health  
10 sanitarian, sanitation enforcement agent, New York city sanitation work-  
11 er, firefighter, paramedic, technician or medical or related personnel  
12 in a hospital emergency department, a registered security guard in a  
13 hospital or health care facility, city marshal, school crossing guard,  
14 traffic enforcement officer, traffic enforcement agent or employee of an  
15 entity governed by the public service law; or

16 11. With intent to cause physical injury to a train operator, ticket  
17 inspector, conductor, signalperson, bus operator, station agent, station  
18 cleaner or terminal cleaner employed by any transit agency, authority or  
19 company, public or private, whose operation is authorized by New York  
20 state or any of its political subdivisions, a city marshal, a school  
21 crossing guard appointed pursuant to section two hundred eight-a of the  
22 general municipal law, a traffic enforcement officer, traffic enforce-  
23 ment agent, prosecutor as defined in subdivision thirty-one of section  
24 1.20 of the criminal procedure law, sanitation enforcement agent, New  
25 York city sanitation worker, public health sanitarian, New York city  
26 public health sanitarian, registered nurse, licensed practical nurse,  
27 emergency medical service paramedic, or emergency medical service tech-  
28 nician, or a registered security guard in a hospital or health care  
29 facility, he or she causes physical injury to such train operator, tick-  
30 et inspector, conductor, signalperson, bus operator, station agent,  
31 station cleaner or terminal cleaner, city marshal, school crossing guard  
32 appointed pursuant to section two hundred eight-a of the general municipi-  
33 pal law, traffic enforcement officer, traffic enforcement agent, prose-  
34 cutor as defined in subdivision thirty-one of section 1.20 of the crimi-  
35 nal procedure law, registered nurse, licensed practical nurse, public  
36 health sanitarian, New York city public health sanitarian, sanitation  
37 enforcement agent, New York city sanitation worker, emergency medical  
38 service paramedic, [~~or~~] emergency medical service technician, or a  
39 registered security guard in a hospital or health care facility, while  
40 such employee is performing an assigned duty on, or directly related to,  
41 the operation of a train or bus, including the cleaning of a train or  
42 bus station or terminal, or such city marshal, school crossing guard,  
43 traffic enforcement officer, traffic enforcement agent, prosecutor as  
44 defined in subdivision thirty-one of section 1.20 of the criminal proce-  
45 dure law, registered nurse, licensed practical nurse, public health  
46 sanitarian, New York city public health sanitarian, sanitation enforce-  
47 ment agent, New York city sanitation worker, emergency medical service  
48 paramedic, [~~or~~] emergency medical service technician, or a registered  
49 security guard in a hospital or health care facility, is performing an  
50 assigned duty; or

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