

# STATE OF NEW YORK

3384

2021-2022 Regular Sessions

## IN ASSEMBLY

January 26, 2021

Introduced by M. of A. COOK, COLTON, CRUZ, GRIFFIN, ENGLEBRIGHT, DAVILA  
-- Multi-Sponsored by -- M. of A. ABBATE -- read once and referred to  
the Committee on Codes

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 Assem-  
bly, do enact as follows:

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

4 11. With intent to cause physical injury to a train operator, ticket  
5 inspector, conductor, signalperson, bus operator, station agent,  
6 [~~station cleaner or terminal cleaner~~] station customer assistant, any  
7 person whose official duties include the sale of tickets, passes, vouch-  
8 ers or other payment of fare to use a train or bus, any person whose  
9 official duties include the maintenance or operation of a train or bus  
10 station, terminal, tracks or yards employed by any transit agency,  
11 authority or company, public or private, whose operation is authorized  
12 by New York state or any of its political subdivisions, a city marshal,  
13 a school crossing guard appointed pursuant to section two hundred  
14 eight-a of the general municipal law, a traffic enforcement officer,  
15 traffic enforcement agent, prosecutor as defined in subdivision thirty-  
16 one of section 1.20 of the criminal procedure law, sanitation enforce-  
17 ment agent, New York city sanitation worker, public health sanitarian,  
18 New York city public health sanitarian, registered nurse, licensed prac-  
19 tical nurse, emergency medical service paramedic, or emergency medical  
20 service technician, he or she causes physical injury to such train oper-  
21 ator, ticket inspector, conductor, signalperson, bus operator, station  
22 agent, [~~station cleaner or terminal cleaner~~] station customer assistant,

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

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1 any person whose official duties include the sale of tickets, passes,  
2 vouchers or other payment of fare to use a train or bus, any person  
3 whose official duties include the maintenance or operation of a train or  
4 bus station, terminal, tracks or yards, city marshal, school crossing  
5 guard appointed pursuant to section two hundred eight-a of the general  
6 municipal law, traffic enforcement officer, traffic enforcement agent,  
7 prosecutor as defined in subdivision thirty-one of section 1.20 of the  
8 criminal procedure law, registered nurse, licensed practical nurse,  
9 public health sanitarian, New York city public health sanitarian, sani-  
10 tation enforcement agent, New York city sanitation worker, emergency  
11 medical service paramedic, or emergency medical service technician,  
12 while such employee is performing an assigned duty on, or directly  
13 related to, the operation of a train or bus, [~~including the cleaning of~~  
14 ~~a train or bus station or terminal~~] including the maintenance of a train  
15 or bus station, terminal, tracks or yards, or such city marshal, school  
16 crossing guard, traffic enforcement officer, traffic enforcement agent,  
17 prosecutor as defined in subdivision thirty-one of section 1.20 of the  
18 criminal procedure law, registered nurse, licensed practical nurse,  
19 public health sanitarian, New York city public health sanitarian, sani-  
20 tation enforcement agent, New York city sanitation worker, emergency  
21 medical service paramedic, or emergency medical service technician is  
22 performing an assigned duty; or

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