

STATE OF NEW YORK

5414

2021-2022 Regular Sessions

IN SENATE

March 4, 2021

Introduced by Sen. LANZA -- 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 MTA workers from assault and harassment

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

1 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:

2 11. With intent to cause physical injury to a train operator, ticket
3 inspector, conductor, signalperson, bus operator, station agent, station
4 cleaner ~~[or]~~, terminal cleaner, station customer assistant; person whose
5 official duties include the sale or collection of tickets, passes,
6 vouchers, or other fare payment media for use on a train or bus; a
7 person whose official duties include the maintenance, repair,
8 inspection, troubleshooting, testing or cleaning of a transit signal
9 system, elevated or underground subway tracks, transit station struc-
10 ture, train yard, revenue train in passenger service, or a train or bus
11 station or terminal; or a supervisor of such personnel, employed by any
12 transit agency, authority or company, public or private, whose operation
13 is authorized by New York state or any of its political subdivisions, a
14 city marshal, a school crossing guard appointed pursuant to section two
15 hundred eight-a of the general municipal law, a traffic enforcement
16 officer, traffic enforcement agent, prosecutor as defined in subdivision
17 thirty-one of section 1.20 of the criminal procedure law, sanitation
18 enforcement agent, New York city sanitation worker, public health sani-
19 tarian, New York city public health sanitarian, registered nurse,
20 licensed practical nurse, emergency medical service paramedic, or emer-
21 gency medical service technician, he or she causes physical injury to
22 such train operator, ticket inspector, conductor, signalperson, bus
23 operator, station agent, station cleaner ~~[or]~~, terminal cleaner, station
24 operator, station agent, station cleaner ~~[or]~~, terminal cleaner, station
25 operator, station agent, station cleaner ~~[or]~~, terminal cleaner, station

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

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1 customer assistant; person whose official duties include the sale or
2 collection of tickets, passes, vouchers or other fare payment media for
3 use on a train or bus; a person whose official duties include the main-
4 tenance, repair, inspection, troubleshooting, testing or cleaning of a
5 transit signal system, elevated or underground subway tracks, transit
6 station structure, train yard, revenue train in passenger service, or a
7 train or bus station or terminal; or a supervisor of such personnel,
8 city marshal, school crossing guard appointed pursuant to section two
9 hundred eight-a of the general municipal law, traffic enforcement offi-
10 cer, traffic enforcement agent, prosecutor as defined in subdivision
11 thirty-one of section 1.20 of the criminal procedure law, registered
12 nurse, licensed practical nurse, public health sanitarian, New York city
13 public health sanitarian, sanitation enforcement agent, New York city
14 sanitation worker, emergency medical service paramedic, or emergency
15 medical service technician, while such employee is performing an
16 assigned duty on, or directly related to, the operation of a train or
17 bus, [~~including the~~] cleaning of a train or bus station or terminal or
18 maintenance of a train or bus station or terminal, signal system,
19 elevated or underground subway tracks, transit station structure, train
20 yard or revenue train in passenger service, or such city marshal, school
21 crossing guard, traffic enforcement officer, traffic enforcement agent,
22 prosecutor as defined in subdivision thirty-one of section 1.20 of the
23 criminal procedure law, registered nurse, licensed practical nurse,
24 public health sanitarian, New York city public health sanitarian, sani-
25 tation enforcement agent, New York city sanitation worker, emergency
26 medical service paramedic, or emergency medical service technician is
27 performing an assigned duty; or

28 § 2. Section 240.30 of the penal law is amended by adding a new subdi-
29 vision 3-a to read as follows:

30 3-a. Strikes, shoves, kicks, or otherwise subjects another person to
31 physical contact, which includes spitting on such other person, and such
32 other person is an on-duty train operator; ticket inspector; conductor;
33 signalperson; bus operator; station agent; station cleaner; terminal
34 cleaner; station customer assistant; person whose official duties
35 include the sale or collection of tickets, passes, vouchers or other
36 fare payment media for use on a train or bus; person whose official
37 duties include the maintenance, repair, inspection, troubleshooting,
38 testing or cleaning of a transit signal system, elevated or underground
39 subway tracks, transit station structure, train yard, revenue train in
40 passenger service, or train or bus station or terminal; or a supervisor
41 of such personnel, employed by any transit agency, authority or company,
42 public or private, whose operation is authorized by New York state or
43 any of its political subdivisions; or

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