

# STATE OF NEW YORK

3389

2021-2022 Regular Sessions

## IN ASSEMBLY

January 26, 2021

Introduced by M. of A. PRETLOW -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to assaults on department of sanitation workers and nursing professionals

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~~] a nursing professional including nurse prac-  
8 titioner, certified or licensed nurse practitioners, certified nursing  
9 assistants, licensed practical [~~nurse~~] nurses, public health sanitarian,  
10 New York city public health sanitarian, sanitation enforcement agent,  
11 [~~New York city~~] sanitation worker, a firefighter, including a fireficht-  
12 er acting as a paramedic or emergency medical technician administering  
13 first aid in the course of performance of duty as such firefighter, an  
14 emergency medical service paramedic or emergency medical service techni-  
15 cian, or medical or related personnel in a hospital emergency depart-  
16 ment, a city marshal, a school crossing guard appointed pursuant to  
17 section two hundred eight-a of the general municipal law, a traffic  
18 enforcement officer, traffic enforcement agent or employee of any entity  
19 governed by the public service law in the course of performing an essen-  
20 tial service, from performing a lawful duty, by means including releas-  
21 ing or failing to control an animal under circumstances evincing the  
22 actor's intent that the animal obstruct the lawful activity of such  
23 peace officer, police officer, prosecutor as defined in subdivision  
24 thirty-one of section 1.20 of the criminal procedure law, [~~registered~~  
25 ~~nurse, licensed practical nurse~~] nursing professional, public health

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

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1 sanitarian, New York city public health sanitarian, sanitation enforce-  
2 ment agent, [~~New York city~~] sanitation worker, firefighter, paramedic,  
3 technician, city marshal, school crossing guard appointed pursuant to  
4 section two hundred eight-a of the general municipal law, traffic  
5 enforcement officer, traffic enforcement agent or employee of an entity  
6 governed by the public service law, he or she causes physical injury to  
7 such peace officer, police officer, prosecutor as defined in subdivision  
8 thirty-one of section 1.20 of the criminal procedure law, [~~registered~~  
9 ~~nurse, licensed practical nurse~~] nursing professional, public health  
10 sanitarian, New York city public health sanitarian, sanitation enforce-  
11 ment agent, [~~New York city~~] sanitation worker, firefighter, paramedic,  
12 technician or medical or related personnel in a hospital emergency  
13 department, city marshal, school crossing guard, traffic enforcement  
14 officer, traffic enforcement agent or employee of an entity governed by  
15 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~~] a nursing professional including  
27 nurse<sup>7</sup> practitioners, or certified licensed practical [~~nurse~~] nurses,  
28 emergency medical service paramedic, or emergency medical service tech-  
29 nician, he or she causes physical injury to such train operator, ticket  
30 inspector, conductor, signalperson, bus operator, station agent, station  
31 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~~] nursing  
36 professional, public health sanitarian, New York city public health  
37 sanitarian, sanitation enforcement agent, [~~New York city~~] sanitation  
38 worker, emergency medical service paramedic, or emergency medical  
39 service technician, while such employee is performing an assigned duty  
40 on, or directly related to, the operation of a train or bus, including  
41 the cleaning of a train or bus station or terminal, or such city  
42 marshal, school crossing guard, traffic enforcement officer, traffic  
43 enforcement agent, prosecutor as defined in subdivision thirty-one of  
44 section 1.20 of the criminal procedure law, [~~registered nurse, licensed~~  
45 ~~practical nurse~~] nursing professional, public health sanitarian, New  
46 York city public health sanitarian, sanitation enforcement agent, [~~New~~  
47 ~~York city~~] sanitation worker, emergency medical service paramedic, or  
48 emergency medical service technician is performing an assigned duty; or  
49 § 2. This act shall take effect on the ninetieth day after it shall  
50 have become a law.