

# STATE OF NEW YORK

6472--B

2021-2022 Regular Sessions

## IN SENATE

April 30, 2021

Introduced by Sens. COMRIE, KENNEDY -- read twice and ordered printed, and when printed to be committed to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the penal law, in relation to assaulting or harassing certain employees of a transit agency or authority

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, commuter rail tracks or stations, train yard, revenue train in  
11 passenger service, or a train or bus station or terminal; or a supervi-  
12 sor of such personnel, employed by any transit or commuter rail agency,  
13 authority or company, public or private, whose operation is authorized  
14 by New York state or any of its political subdivisions, a city marshal,  
15 a school crossing guard appointed pursuant to section two hundred  
16 eight-a of the general municipal law, a traffic enforcement officer,  
17 traffic enforcement agent, prosecutor as defined in subdivision thirty-  
18 one of section 1.20 of the criminal procedure law, sanitation enforce-  
19 ment agent, New York city sanitation worker, public health sanitarian,  
20 New York city public health sanitarian, registered nurse, licensed prac-

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

LBD11171-03-1

1 tical nurse, emergency medical service paramedic, or emergency medical  
2 service technician, he or she causes physical injury to such train oper-  
3 ator, ticket inspector, conductor, signalperson, bus operator, station  
4 agent, station cleaner [~~or~~], terminal cleaner, station customer assist-  
5 ant; person whose official duties include the sale or collection of  
6 tickets, passes, vouchers or other fare payment media for use on a  
7 train or bus; a person whose official duties include the maintenance,  
8 repair, inspection, troubleshooting, testing or cleaning of a transit  
9 signal system, elevated or underground subway tracks, transit station  
10 structure, commuter rail tracks or stations, train yard, revenue train  
11 in passenger service, or a train or bus station or terminal; or a super-  
12 visor of such personnel, city marshal, school crossing guard appointed  
13 pursuant to section two hundred eight-a of the general municipal law,  
14 traffic enforcement officer, traffic enforcement agent, prosecutor as  
15 defined in subdivision thirty-one of section 1.20 of the criminal proce-  
16 dure law, registered nurse, licensed practical nurse, public health  
17 sanitarian, New York city public health sanitarian, sanitation enforce-  
18 ment agent, New York city sanitation worker, emergency medical service  
19 paramedic, or emergency medical service technician, while such employee  
20 is performing an assigned duty on, or directly related to, the operation  
21 of a train or bus, [~~including the~~] cleaning of a train or bus station or  
22 terminal, assisting customers, the sale or collection of tickets, pass-  
23 es, vouchers, or other fare media for use on a train, or maintenance of  
24 a train or bus station or terminal, signal system, elevated or under-  
25 ground subway tracks, transit station structure, commuter rail tracks or  
26 stations, train yard or revenue train in passenger service, or such city  
27 marshal, school crossing guard, traffic enforcement officer, traffic  
28 enforcement agent, prosecutor as defined in subdivision thirty-one of  
29 section 1.20 of the criminal procedure law, registered nurse, licensed  
30 practical nurse, public health sanitarian, New York city public health  
31 sanitarian, sanitation enforcement agent, New York city sanitation work-  
32 er, emergency medical service paramedic, or emergency medical service  
33 technician is performing an assigned duty; or

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

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

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