

STATE OF NEW YORK

1884

2023-2024 Regular Sessions

IN ASSEMBLY

January 23, 2023

Introduced by M. of A. DINOWITZ, GUNTHER, SILLITTI -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to increasing penalties for assault, obstruction and harassment of election officers

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
2 amended by chapter 233 of the laws of 2022, is amended to read as
3 follows:
4 11. With intent to cause physical injury to a train operator, ticket
5 inspector, conductor, signalperson, bus operator, station agent, station
6 cleaner, terminal cleaner, station customer assistant; person whose
7 official duties include the sale or collection of tickets, passes,
8 vouchers, or other revenue payment media for use on a train or bus or
9 the collection or handling of revenues therefrom; a person whose offi-
10 cial duties include the maintenance, repair, inspection, troubleshoot-
11 ing, testing or cleaning of buses, a transit signal system, elevated or
12 underground subway tracks, transit station structure, including fare
13 equipment, escalators, elevators and other equipment necessary to
14 passenger service, commuter rail tracks or stations, train yard, revenue
15 train in passenger service, or a train or bus station or terminal; or a
16 supervisor of such personnel, employed by any transit or commuter rail
17 agency, authority or company, public or private, whose operation is
18 authorized by New York state or any of its political subdivisions, a
19 city marshal, a school crossing guard appointed pursuant to section two
20 hundred eight-a of the general municipal law, a traffic enforcement
21 officer, traffic enforcement agent, prosecutor as defined in subdivision
22 thirty-one of section 1.20 of the criminal procedure law, sanitation
23 enforcement agent, New York city sanitation worker, public health sani-
24 tarian, New York city public health sanitarian, registered nurse,
25 licensed practical nurse, emergency medical service paramedic, [~~or~~]

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

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1 emergency medical service technician, or election officer as defined
2 in section 1-104 of the election law, he or she causes physical injury
3 to such train operator, ticket inspector, conductor, signalperson, bus
4 operator, station agent, station cleaner, terminal cleaner, station
5 customer assistant; person whose official duties include the sale or
6 collection of tickets, passes, vouchers or other revenue payment media
7 for use on a train or bus or the collection or handling of revenues
8 therefrom; a person whose official duties include the maintenance,
9 repair, inspection, troubleshooting, testing or cleaning of buses, a
10 transit signal system, elevated or underground subway tracks, transit
11 station structure, including fare equipment, escalators, elevators and
12 other equipment necessary to passenger service, commuter rail tracks or
13 stations, train yard, revenue train in passenger service, or a train or
14 bus station or terminal; or a supervisor of such personnel, city
15 marshal, school crossing guard appointed pursuant to section two hundred
16 eight-a of the general municipal law, traffic enforcement officer, traf-
17 fic enforcement agent, prosecutor as defined in subdivision thirty-one
18 of section 1.20 of the criminal procedure law, registered nurse,
19 licensed practical nurse, public health sanitarian, New York city public
20 health sanitarian, sanitation enforcement agent, New York city sanita-
21 tion worker, emergency medical service paramedic, ~~[or]~~ emergency medical
22 service technician or election officer, while such employee is perform-
23 ing an assigned duty on, or directly related to, the operation of a
24 train or bus, cleaning of a train or bus station or terminal, assisting
25 customers, the sale or collection of tickets, passes, vouchers, or other
26 revenue media for use on a train or bus, or maintenance or cleaning of a
27 train, a bus, or bus station or terminal, signal system, elevated or
28 underground subway tracks, transit station structure, including fare
29 equipment, escalators, elevators and other equipment necessary to
30 passenger service, commuter rail tracks or stations, train yard or
31 revenue train in passenger service, or such city marshal, school cross-
32 ing guard, traffic enforcement officer, traffic enforcement agent,
33 prosecutor as defined in subdivision thirty-one of section 1.20 of the
34 criminal procedure law, registered nurse, licensed practical nurse,
35 public health sanitarian, New York city public health sanitarian, sani-
36 tation enforcement agent, New York city sanitation worker, emergency
37 medical service paramedic, ~~[or]~~ emergency medical service technician, or
38 election officer is performing an assigned duty; or

39 § 2. Section 195.05 of the penal law, as amended by chapter 269 of
40 the laws of 1998, is amended to read as follows:

41 § 195.05 Obstructing governmental administration in the second degree.

42 A person is guilty of obstructing governmental administration when he
43 or she intentionally obstructs, impairs or perverts the administration
44 of law or other governmental function or prevents or attempts to prevent
45 a public servant, including an election officer, from performing an
46 official function, by means of intimidation, physical force or interfer-
47 ence, or by means of any independently unlawful act, or by means of
48 interfering, whether or not physical force is involved, with radio,
49 telephone, television or other telecommunications systems owned or oper-
50 ated by the state, or a county, city, town, village, fire district or
51 emergency medical service or by means of releasing a dangerous animal
52 under circumstances evincing the actor's intent that the animal obstruct
53 governmental administration.

54 Obstructing governmental administration is a class A misdemeanor.

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

1 3-a. With the intent to harass, annoy, threaten or alarm an election
2 officer, he or she strikes, shoves, kicks, or otherwise subjects another
3 person to physical contact, or attempts or threatens to do the same
4 while such election officer is performing his or her official duties; or
5 § 4. This act shall take effect immediately.