

STATE OF NEW YORK

1884--A

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 -- recommitted to the Committee on Codes in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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

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

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

42 § 2. Subdivision 11 of section 120.05 of the penal law, as amended by
43 section 2 of part Z of chapter 55 of the laws of 2024, is amended to
44 read as follows:

45 11. With intent to cause physical injury to a train operator, ticket
46 inspector, conductor, signalperson, bus operator, station agent, station
47 cleaner, terminal cleaner, station customer assistant, traffic checker;
48 person whose official duties include the sale or collection of tickets,
49 passes, vouchers, or other revenue payment media for use on a train,
50 bus, or ferry the collection or handling of revenues therefrom; a person
51 whose official duties include the maintenance, repair, inspection, trou-
52 bleshooting, testing or cleaning of buses or ferries, a transit signal
53 system, elevated or underground subway tracks, transit station struc-
54 ture, including fare equipment, escalators, elevators and other equip-
55 ment necessary to passenger service, commuter rail tracks or stations,
56 train yard, revenue train in passenger service, a ferry station, or a

1 train or bus station or terminal; or a supervisor of such personnel,
2 employed by any transit or commuter rail agency, authority or company,
3 public or private, whose operation is authorized by New York state or
4 any of its political subdivisions, a city marshal, a school crossing
5 guard appointed pursuant to section two hundred eight-a of the general
6 municipal law, a traffic enforcement officer, traffic enforcement agent,
7 prosecutor as defined in subdivision thirty-one of section 1.20 of the
8 criminal procedure law, sanitation enforcement agent, New York city
9 sanitation worker, public health sanitarian, New York city public health
10 sanitarian, registered nurse, licensed practical nurse, emergency
11 medical service paramedic, [✗] emergency medical service technician,
12 ~~[he or she]~~ or election officer as defined in section 1-104 of the
13 election law, such person causes physical injury to such train operator,
14 ticket inspector, conductor, signalperson, bus operator, station agent,
15 station cleaner, terminal cleaner, station customer assistant, traffic
16 checker; person whose official duties include the sale or collection of
17 tickets, passes, vouchers or other revenue payment media for use on a
18 train, bus, or ferry or the collection or handling of revenues there-
19 from; a person whose official duties include the maintenance, repair,
20 inspection, troubleshooting, testing or cleaning of buses or ferries, a
21 transit signal system, elevated or underground subway tracks, transit
22 station structure, including fare equipment, escalators, elevators and
23 other equipment necessary to passenger service, commuter rail tracks or
24 stations, train yard, revenue train in passenger service, a ferry
25 station, or a train or bus station or terminal; or a supervisor of such
26 personnel, city marshal, school crossing guard appointed pursuant to
27 section two hundred eight-a of the general municipal law, traffic
28 enforcement officer, traffic enforcement agent, prosecutor as defined in
29 subdivision thirty-one of section 1.20 of the criminal procedure law,
30 registered nurse, licensed practical nurse, public health sanitarian,
31 New York city public health sanitarian, sanitation enforcement agent,
32 New York city sanitation worker, emergency medical service paramedic,
33 [✗] emergency medical service technician, or election officer, while
34 such employee is performing an assigned duty on, or directly related to,
35 the operation of a train or bus, cleaning of a train or bus station or
36 terminal, assisting customers, checking traffic, the sale or collection
37 of tickets, passes, vouchers, or other revenue media for use on a train,
38 bus, or ferry or maintenance or cleaning of a train, a bus, a ferry, or
39 bus station or terminal, signal system, elevated or underground subway
40 tracks, transit station structure, including fare equipment, escalators,
41 elevators and other equipment necessary to passenger service, commuter
42 rail tracks or stations, train yard or revenue train in passenger
43 service, a ferry station, or such city marshal, school crossing guard,
44 traffic enforcement officer, traffic enforcement agent, prosecutor as
45 defined in subdivision thirty-one of section 1.20 of the criminal proce-
46 dure law, registered nurse, licensed practical nurse, public health
47 sanitarian, New York city public health sanitarian, sanitation enforce-
48 ment agent, New York city sanitation worker, emergency medical service
49 paramedic, [✗] emergency medical service technician, or election offi-
50 cer is performing an assigned duty; or

51 § 3. Section 195.05 of the penal law, as amended by section 16 of part
52 G of chapter 55 of the laws of 2024, is amended to read as follows:

53 § 195.05 Obstructing governmental administration in the second degree.

54 A person is guilty of obstructing governmental administration when:

55 1. Such person intentionally obstructs, impairs or perverts the admin-
56 istration of law or other governmental function or prevents or attempts

1 to prevent a public servant, including an election officer, from
2 performing an official function, by means of intimidation, physical
3 force or interference, or by means of any independently unlawful act, or
4 by means of interfering, whether or not physical force is involved, with
5 radio, telephone, television or other telecommunications systems owned
6 or operated by the state, or a county, city, town, village, fire
7 district or emergency medical service or by means of releasing a danger-
8 ous animal under circumstances evincing the actor's intent that the
9 animal obstruct governmental administration; or

10 2. With the intent to violate a closing order, order to seal, tempo-
11 rary closing order, or temporary order to seal issued by a governmental
12 entity to address a public health or safety concern, such person damages
13 or removes any padlock or other device installed for the purpose of
14 effectuating such order.

15 Obstructing governmental administration is a class A misdemeanor.

16 § 4. Section 240.30 of the penal law is amended by adding a new subdi-
17 vision 3-b to read as follows:

18 3-b. With the intent to harass, annoy, threaten or alarm an election
19 officer, such person strikes, shoves, kicks, or otherwise subjects
20 another person to physical contact, or attempts or threatens to do the
21 same while such election officer is performing such election officer's
22 official duties; or

23 § 5. This act shall take effect immediately; provided, however, that
24 if section 2 of part Z of chapter 55 of the laws of 2024 shall not have
25 taken effect on or before such date then section two of this act shall
26 take effect on the same date and in the same manner as such chapter of
27 the laws of 2024, takes effect.