

STATE OF NEW YORK

9208

IN ASSEMBLY

February 16, 2024

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

AN ACT to amend the penal law, in relation to deeming assault on certain employees assigned to an airport, while in performance of their assigned duties, or in direct relation thereto, to be assault in the second degree

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 official
10 duties include the maintenance, repair, inspection, troubleshooting,
11 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 sanitarian,
24 New York city public health sanitarian, registered nurse,
25 licensed practical nurse, emergency medical service paramedic, [~~or~~]
26 emergency medical service technician, or a flight crew member or flight

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

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1 attendant of the aircraft, a terminal cleaner, cabin cleaner, facilities
2 cleaner, wheelchair assist employee, baggage handler, skycap, ticket
3 agent, customer services employee, security guard, queue management
4 employee, shuttle bus driver, or any employee whose duties require him
5 or her to work on the tarmac, employed by any airport, airport authority
6 or company, public or private, that performs such services at an
7 airport, he or she causes physical injury to such terminal cleaner,
8 cabin cleaner, facilities cleaner, wheelchair assist employee, baggage
9 handler, skycap, ticket agent, customer services employee, security
10 guard, queue management employee, shuttle bus driver, or any employee
11 whose duties require him or her to work on the tarmac, while such
12 employee is performing an assigned duty of, or directly related to, such
13 services at an airport in the state of New York, he or she causes phys-
14 ical injury to such train operator, ticket inspector, conductor, signal-
15 person, bus operator, station agent, station cleaner, terminal cleaner,
16 station customer assistant; person whose official duties include the
17 sale or collection of tickets, passes, vouchers or other revenue payment
18 media for use on a train or bus or the collection or handling of reven-
19 ues therefrom; a person whose official duties include the maintenance,
20 repair, inspection, troubleshooting, testing or cleaning of buses, 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, or a train or
25 bus station or terminal; or a supervisor of such personnel, city
26 marshal, school crossing guard appointed pursuant to section two hundred
27 eight-a of the general municipal law, traffic enforcement officer, traf-
28 fic enforcement agent, prosecutor as defined in subdivision thirty-one
29 of section 1.20 of the criminal procedure law, registered nurse,
30 licensed practical nurse, public health sanitarian, New York city public
31 health sanitarian, sanitation enforcement agent, New York city sanita-
32 tion worker, emergency medical service paramedic, [~~or~~] emergency medical
33 service technician, or a flight crew member or flight attendant of the
34 aircraft, a terminal cleaner, cabin cleaner, facilities cleaner, wheel-
35 chair assist employee, baggage handler, skycap, ticket agent, customer
36 services employee, security guard, queue management employee, shuttle
37 bus driver, or any employee whose duties require him or her to work on
38 the tarmac, employed by any airport, airport authority or company,
39 public or private, that performs such services at an airport, he or she
40 causes physical injury to such terminal cleaner, cabin cleaner, facili-
41 ties cleaner, wheelchair assist employee, baggage handler, skycap, tick-
42 et agent, customer services employee, security guard, queue management
43 employee, shuttle bus driver, or any employee whose duties require him
44 or her to work on the tarmac, while such employee is performing an
45 assigned duty of, or directly related to, such services at an airport in
46 the state of New York, while such employee is performing an assigned
47 duty on, or directly related to, the operation of a train or bus, clean-
48 ing of a train or bus station or terminal, assisting customers, the sale
49 or collection of tickets, passes, vouchers, or other revenue media for
50 use on a train or bus, or maintenance or cleaning of a train, a bus, or
51 bus station or terminal, signal system, elevated or underground subway
52 tracks, transit station structure, including fare equipment, escalators,
53 elevators and other equipment necessary to passenger service, commuter
54 rail tracks or stations, train yard or revenue train in passenger
55 service, or such city marshal, school crossing guard, traffic enforce-
56 ment officer, traffic enforcement agent, prosecutor as defined in subdi-

1 vision thirty-one of section 1.20 of the criminal procedure law, regis-
2 tered nurse, licensed practical nurse, public health sanitarian, New
3 York city public health sanitarian, sanitation enforcement agent, New
4 York city sanitation worker, emergency medical service paramedic, [~~or~~]
5 emergency medical service technician is performing an assigned duty; or
6 a flight crew member or flight attendant of the aircraft, a terminal
7 cleaner, cabin cleaner, facilities cleaner, wheelchair assist employee,
8 baggage handler, skycap, ticket agent, customer services employee, secu-
9 rity guard, queue management employee, shuttle bus driver, or any
10 employee whose duties require him or her to work on the tarmac, employed
11 by any airport, airport authority or company, public or private, that
12 performs such services at an airport, he or she causes physical injury
13 to such terminal cleaner, cabin cleaner, facilities cleaner, wheelchair
14 assist employee, baggage handler, skycap, ticket agent, customer
15 services employee, security guard, queue management employee, shuttle
16 bus driver, or any employee whose duties require him or her to work on
17 the tarmac, while such employee is performing an assigned duty of, or
18 directly related to, such services at an airport in the state of New
19 York; or

20 § 2. This act shall take effect on the ninetieth day after it shall
21 have become a law.