

STATE OF NEW YORK

3154

2023-2024 Regular Sessions

IN SENATE

January 30, 2023

Introduced by Sens. PALUMBO, BORRELLO, OBERACKER, ORTT, WEIK -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the penal law, in relation to assault on a straphanger

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. This act shall be known and may be cited as the "straphanger protection act".

2 § 2. The penal law is amended by adding a new section 120.80 to read
3 as follows:

4 § 120.80 Assault on a straphanger.

5 A person is guilty of assault on a straphanger when he or she strikes,
6 shoves, kicks, or otherwise subjects another person to physical contact
7 that results in such person falling onto subway tracks.

8 Assault on a straphanger is a class C felony.

9 § 3. Paragraph (b) of subdivision 1 of section 70.02 of the penal law,
10 as amended by chapter 94 of the laws of 2020, is amended to read as
11 follows:

12 (b) Class C violent felony offenses: an attempt to commit any of the
13 class B felonies set forth in paragraph (a) of this subdivision; aggra-
14 vated criminally negligent homicide as defined in section 125.11, aggra-
15 vated manslaughter in the second degree as defined in section 125.21,
16 aggravated sexual abuse in the second degree as defined in section
17 130.67, assault on a peace officer, police officer, firefighter or emer-
18 gency medical services professional as defined in section 120.08,
19 assault on a judge as defined in section 120.09, gang assault in the
20 second degree as defined in section 120.06, assault on a straphanger as
21 defined in section 120.80, strangulation in the first degree as defined
22 in section 121.13, aggravated strangulation as defined in section
23 121.13-a, burglary in the second degree as defined in section 140.25,
24 robbery in the second degree as defined in section 160.10, criminal
25

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

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1 possession of a weapon in the second degree as defined in section
2 265.03, criminal use of a firearm in the second degree as defined in
3 section 265.08, criminal sale of a firearm in the second degree as
4 defined in section 265.12, criminal sale of a firearm with the aid of a
5 minor as defined in section 265.14, aggravated criminal possession of a
6 weapon as defined in section 265.19, soliciting or providing support for
7 an act of terrorism in the first degree as defined in section 490.15,
8 hindering prosecution of terrorism in the second degree as defined in
9 section 490.30, and criminal possession of a chemical weapon or biolog-
10 ical weapon in the third degree as defined in section 490.37.
11 § 4. This act shall take effect immediately.