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:

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

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

§ 120.80 Assault on a straphanger.

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

Assault on a straphanger is a class C felony.

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

(b) Class C violent felony offenses: an attempt to commit any of the class B felonies set forth in paragraph (a) of this subdivision; aggravated criminally negligent homicide as defined in section 125.11, aggravated manslaughter in the second degree as defined in section 125.21, aggravated sexual abuse in the second degree as defined in section 130.67, assault on a peace officer, police officer, firefighter or emergency medical services professional as defined in section 120.08, assault on a judge as defined in section 120.09, gang assault in the second degree as defined in section 120.06, **assault on a straphanger as defined in section 120.80,** strangulation in the first degree as defined in section 121.13, aggravated strangulation as defined in section 121.13-a, burglary in the second degree as defined in section 140.25, robbery in the second degree as defined in section 160.10, criminal

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

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possession of a weapon in the second degree as defined in section 265.03, criminal use of a firearm in the second degree as defined in section 265.08, criminal sale of a firearm in the second degree as defined in section 265.12, criminal sale of a firearm with the aid of a minor as defined in section 265.14, aggravated criminal possession of a weapon as defined in section 265.19, soliciting or providing support for an act of terrorism in the first degree as defined in section 490.15, hindering prosecution of terrorism in the second degree as defined in section 490.30, and criminal possession of a chemical weapon or biological weapon in the third degree as defined in section 490.37.

§ 4. This act shall take effect immediately.