

# STATE OF NEW YORK

---

5116

2023-2024 Regular Sessions

## IN SENATE

February 23, 2023

---

Introduced by Sen. OBERACKER -- 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 protecting registered security guards in a hospital or health care facility from assault

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

1 Section 1. Subdivisions 3 and 11 of section 120.05 of the penal law,  
2 subdivision 3 as amended by chapter 267 of the laws of 2016 and subdivi-  
3 sion 11 as amended by chapter 233 of the laws of 2022, are amended to  
4 read as follows:

5 3. With intent to prevent a peace officer, a police officer, prosecu-  
6 tor as defined in subdivision thirty-one of section 1.20 of the criminal  
7 procedure law, registered nurse, licensed practical nurse, public health  
8 sanitarian, New York city public health sanitarian, sanitation enforce-  
9 ment agent, New York city sanitation worker, a firefighter, including a  
10 firefighter acting as a paramedic or emergency medical technician admin-  
11 istering first aid in the course of performance of duty as such fire-  
12 fighter, an emergency medical service paramedic or emergency medical  
13 service technician, or medical or related personnel in a hospital emer-  
14 gency department, a registered security guard in a hospital or health  
15 care facility, a city marshal, a school crossing guard appointed pursu-  
16 ant to section two hundred eight-a of the general municipal law, a traf-  
17 fic enforcement officer, traffic enforcement agent or employee of any  
18 entity governed by the public service law in the course of performing an  
19 essential service, from performing a lawful duty, by means including  
20 releasing or failing to control an animal under circumstances evincing  
21 the actor's intent that the animal obstruct the lawful activity of such  
22 peace officer, police officer, prosecutor as defined in subdivision  
23 thirty-one of section 1.20 of the criminal procedure law, registered  
24 nurse, licensed practical nurse, public health sanitarian, New York city  
25 public health sanitarian, sanitation enforcement agent, New York city

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

LBD09168-01-3

1 sanitation worker, firefighter, paramedic, technician, city marshal,  
2 school crossing guard appointed pursuant to section two hundred eight-a  
3 of the general municipal law, traffic enforcement officer, traffic  
4 enforcement agent or employee of an entity governed by the public  
5 service law, he or she causes physical injury to such peace officer,  
6 police officer, prosecutor as defined in subdivision thirty-one of  
7 section 1.20 of the criminal procedure law, registered nurse, licensed  
8 practical nurse, public health sanitarian, New York city public health  
9 sanitarian, sanitation enforcement agent, New York city sanitation work-  
10 er, firefighter, paramedic, technician or medical or related personnel  
11 in a hospital emergency department, a registered security guard in a  
12 hospital or health care facility, city marshal, school crossing guard,  
13 traffic enforcement officer, traffic enforcement agent or employee of an  
14 entity governed by the public service law; or

15 11. With intent to cause physical injury to a train operator, ticket  
16 inspector, conductor, signalperson, bus operator, station agent, station  
17 cleaner, terminal cleaner, station customer assistant; person whose  
18 official duties include the sale or collection of tickets, passes,  
19 vouchers, or other revenue payment media for use on a train or bus or  
20 the collection or handling of revenues therefrom; a person whose offi-  
21 cial duties include the maintenance, repair, inspection, troubleshoot-  
22 ing, testing or cleaning of buses, a transit signal system, elevated or  
23 underground subway tracks, transit station structure, including fare  
24 equipment, escalators, elevators and other equipment necessary to  
25 passenger service, commuter rail tracks or stations, train yard, revenue  
26 train in passenger service, or a train or bus station or terminal; or a  
27 supervisor of such personnel, employed by any transit or commuter rail  
28 agency, authority or company, public or private, whose operation is  
29 authorized by New York state or any of its political subdivisions, a  
30 city marshal, a school crossing guard appointed pursuant to section two  
31 hundred eight-a of the general municipal law, a traffic enforcement  
32 officer, traffic enforcement agent, prosecutor as defined in subdivision  
33 thirty-one of section 1.20 of the criminal procedure law, sanitation  
34 enforcement agent, New York city sanitation worker, public health sani-  
35 tarian, New York city public health sanitarian, registered nurse,  
36 licensed practical nurse, emergency medical service paramedic, [ex]  
37 emergency medical service technician, or a registered security guard in  
38 a hospital or health care facility, he or she causes physical injury to  
39 such train operator, ticket inspector, conductor, signalperson, bus  
40 operator, station agent, station cleaner, terminal cleaner, station  
41 customer assistant; person whose official duties include the sale or  
42 collection of tickets, passes, vouchers or other revenue payment media  
43 for use on a train or bus or the collection or handling of revenues  
44 therefrom; a person whose official duties include the maintenance,  
45 repair, inspection, troubleshooting, testing or cleaning of buses, a  
46 transit signal system, elevated or underground subway tracks, transit  
47 station structure, including fare equipment, escalators, elevators and  
48 other equipment necessary to passenger service, commuter rail tracks or  
49 stations, train yard, revenue train in passenger service, or a train or  
50 bus station or terminal; or a supervisor of such personnel, city  
51 marshal, school crossing guard appointed pursuant to section two hundred  
52 eight-a of the general municipal law, traffic enforcement officer, traf-  
53 fic enforcement agent, prosecutor as defined in subdivision thirty-one  
54 of section 1.20 of the criminal procedure law, registered nurse,  
55 licensed practical nurse, public health sanitarian, New York city public  
56 health sanitarian, sanitation enforcement agent, New York city sanita-

1 tion worker, emergency medical service paramedic, [~~or~~] emergency medical  
2 service technician, or a registered security guard in a hospital or  
3 health care facility, while such employee is performing an assigned duty  
4 on, or directly related to, the operation of a train or bus, cleaning of  
5 a train or bus station or terminal, assisting customers, the sale or  
6 collection of tickets, passes, vouchers, or other revenue media for use  
7 on a train or bus, or maintenance or cleaning of a train, a bus, or bus  
8 station or terminal, signal system, elevated or underground subway  
9 tracks, transit station structure, including fare equipment, escalators,  
10 elevators and other equipment necessary to passenger service, commuter  
11 rail tracks or stations, train yard or revenue train in passenger  
12 service, or such city marshal, school crossing guard, traffic enforce-  
13 ment officer, traffic enforcement agent, prosecutor as defined in subdi-  
14 vision thirty-one of section 1.20 of the criminal procedure law, regis-  
15 tered nurse, licensed practical nurse, public health sanitarian, New  
16 York city public health sanitarian, sanitation enforcement agent, New  
17 York city sanitation worker, emergency medical service paramedic, [~~or~~]  
18 emergency medical service technician, or a registered security guard in  
19 a hospital or health care facility, is performing an assigned duty; or  
20 § 2. This act shall take effect on the ninetieth day after it shall  
21 have become a law.