

STATE OF NEW YORK

6763

2023-2024 Regular Sessions

IN SENATE

May 9, 2023

Introduced by Sen. GRIFFO -- 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 assaults on medical providers and employees and volunteers of hospitals

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,~~ a physi-
8 cian, a physician assistant, a health care provider, a primary care
9 practitioner or primary care physician, a nurse or nursing professional
10 including a registered nurse, nurse practitioner, certified or licensed
11 nurse practitioner, a certified nursing assistant, or a licensed practi-
12 cal nurse, ambulance personnel, a director of a hospital or a medical
13 director, employee, attendant, agent or volunteer of a hospital as
14 defined in section twenty-eight hundred one of the public health law, a
15 public health sanitarian, New York city public health sanitarian, sani-
16 tation enforcement agent, New York city sanitation worker, a firefight-
17 er, including a firefighter acting as a paramedic or emergency medical
18 technician administering first aid in the course of performance of duty
19 as such firefighter, an emergency medical service paramedic or emergency
20 medical service technician, or medical or related personnel in a hospi-
21 tal emergency department, a city marshal, a school crossing guard
22 appointed pursuant to section two hundred eight-a of the general munici-
23 pal law, a traffic enforcement officer, traffic enforcement agent or
24 employee of any entity governed by the public service law in the course
25 of performing an essential service, from performing a lawful duty, by
26 means including releasing or failing to control an animal under circum-
27 stances evincing the actor's intent that the animal obstruct the lawful
28 activity of such peace officer, police officer, prosecutor as defined in

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

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subdivision thirty-one of section 1.20 of the criminal procedure law, ~~[registered nurse, licensed practical nurse]~~ physician, physician assistant, health care provider, primary care practitioner or primary care physician, a nurse or nursing professional including a registered nurse, nurse practitioner, certified or licensed nurse practitioner, a certified nursing assistant, or a licensed practical nurse, ambulance personnel, a director of a hospital or a medical director, employee, attendant, agent or volunteer of a hospital as defined in section twenty-eight hundred one of the public health law, a public health sanitarian, New York city public health sanitarian, sanitation enforcement agent, New York city sanitation worker, firefighter, paramedic, technician, city marshal, school crossing guard appointed pursuant to section two hundred eight-a of the general municipal law, traffic enforcement officer, traffic enforcement agent or employee of an entity governed by the public service law, he or she causes physical injury to such peace officer, police officer, prosecutor as defined in subdivision thirty-one of section 1.20 of the criminal procedure law, ~~[registered nurse, licensed practical nurse]~~ physician, physician assistant, health care provider, primary care practitioner or primary care physician, a nurse or nursing professional including a registered nurse, nurse practitioner, certified or licensed nurse practitioner, a certified nursing assistant, or a licensed practical nurse, ambulance personnel, a director of a hospital or a medical director, employee, attendant, agent or volunteer of a hospital as defined in section twenty-eight hundred one of the public health law, a public health sanitarian, New York city public health sanitarian, sanitation enforcement agent, New York city sanitation worker, firefighter, paramedic, technician or medical or related personnel in a hospital emergency department, city marshal, school crossing guard, traffic enforcement officer, traffic enforcement agent or employee of an entity governed by the public service law; or

11. With intent to cause physical injury to a train operator, ticket inspector, conductor, signalperson, bus operator, station agent, station cleaner, terminal cleaner, station customer assistant; person whose official duties include the sale or collection of tickets, passes, vouchers, or other revenue payment media for use on a train or bus or the collection or handling of revenues therefrom; a person whose official duties include the maintenance, repair, inspection, troubleshooting, testing or cleaning of buses, a transit signal system, elevated or underground subway tracks, transit station structure, including fare equipment, escalators, elevators and other equipment necessary to passenger service, commuter rail tracks or stations, train yard, revenue train in passenger service, or a train or bus station or terminal; or a supervisor of such personnel, employed by any transit or commuter rail agency, authority or company, public or private, whose operation is authorized by New York state or any of its political subdivisions, a city marshal, a school crossing guard appointed pursuant to section two hundred eight-a of the general municipal law, a traffic enforcement officer, traffic enforcement agent, prosecutor as defined in subdivision thirty-one of section 1.20 of the criminal procedure law, sanitation enforcement agent, New York city sanitation worker, public health sanitarian, New York city public health sanitarian, ~~[registered nurse, licensed practical nurse]~~ physician, physician assistant, health care provider, primary care practitioner or primary care physician, a nurse or nursing professional including a registered nurse, nurse practitioner, certified or licensed nurse practitioner, a certified nursing assistant, or a licensed practical nurse, ambulance personnel, a direc-

1 tor of a hospital or a medical director, employee, attendant, agent or
2 volunteer of a hospital as defined in section twenty-eight hundred one
3 of the public health law, emergency medical service paramedic, or emer-
4 gency medical service technician, he or she causes physical injury to
5 such train operator, ticket inspector, conductor, signalperson, bus
6 operator, station agent, station cleaner, terminal cleaner, station
7 customer assistant; person whose official duties include the sale or
8 collection of tickets, passes, vouchers or other revenue payment media
9 for use on a train or bus or the collection or handling of revenues
10 therefrom; a person whose official duties include the maintenance,
11 repair, inspection, troubleshooting, testing or cleaning of buses, a
12 transit signal system, elevated or underground subway tracks, transit
13 station structure, including fare equipment, escalators, elevators and
14 other equipment necessary to passenger service, commuter rail tracks or
15 stations, train yard, revenue train in passenger service, or a train or
16 bus station or terminal; or a supervisor of such personnel, city
17 marshal, school crossing guard appointed pursuant to section two hundred
18 eight-a of the general municipal law, traffic enforcement officer, traf-
19 fic enforcement agent, prosecutor as defined in subdivision thirty-one
20 of section 1.20 of the criminal procedure law, [~~registered nurse,~~
21 ~~licensed practical nurse~~] physician, physician assistant, health care
22 provider, primary care practitioner or primary care physician, a nurse
23 or nursing professional including a registered nurse, nurse practition-
24 er, certified or licensed nurse practitioner, a certified nursing
25 assistant, or a licensed practical nurse, ambulance personnel, a direc-
26 tor of a hospital or a medical director, employee, attendant, agent or
27 volunteer of a hospital as defined in section twenty-eight hundred one
28 of the public health law, public health sanitarian, New York city public
29 health sanitarian, sanitation enforcement agent, New York city sanita-
30 tion worker, emergency medical service paramedic, or emergency medical
31 service technician, while such employee is performing an assigned duty
32 on, or directly related to, the operation of a train or bus, cleaning of
33 a train or bus station or terminal, assisting customers, the sale or
34 collection of tickets, passes, vouchers, or other revenue media for use
35 on a train or bus, or maintenance or cleaning of a train, a bus, or bus
36 station or terminal, signal system, elevated or underground subway
37 tracks, transit station structure, including fare equipment, escalators,
38 elevators and other equipment necessary to passenger service, commuter
39 rail tracks or stations, train yard or revenue train in passenger
40 service, or such city marshal, school crossing guard, traffic enforce-
41 ment officer, traffic enforcement agent, prosecutor as defined in subdi-
42 vision thirty-one of section 1.20 of the criminal procedure law, [~~regis-~~
43 ~~tered nurse, licensed practical nurse~~] physician, physician assistant,
44 health care provider, primary care practitioner or primary care physi-
45 cian, a nurse or nursing professional including a registered nurse,
46 nurse practitioner, certified or licensed nurse practitioner, a certi-
47 fied nursing assistant, or a licensed practical nurse, ambulance person-
48 nel, a director of a hospital or a medical director, employee, attend-
49 ant, agent or volunteer of a hospital as defined in section twenty-eight
50 hundred one of the public health law, public health sanitarian, New York
51 city public health sanitarian, sanitation enforcement agent, New York
52 city sanitation worker, emergency medical service paramedic, or emergen-
53 cy medical service technician is performing an assigned duty; or
54 § 2. This act shall take effect on the ninetieth day after it shall
55 have become a law.