

STATE OF NEW YORK

7831--A

2023-2024 Regular Sessions

IN SENATE

December 20, 2023

Introduced by Sen. COMRIE -- read twice and ordered printed, and when printed to be committed to the Committee on Rules -- recommitted to the Committee on Codes in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 offi-
10 cial duties include the maintenance, repair, inspection, troubleshoot-
11 ing, 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

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

LBD13869-02-4

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

1 bus station or terminal, signal system, elevated or underground subway
2 tracks, transit station structure, including fare equipment, escalators,
3 elevators and other equipment necessary to passenger service, commuter
4 rail tracks or stations, train yard or revenue train in passenger
5 service, or such city marshal, school crossing guard, traffic enforce-
6 ment officer, traffic enforcement agent, prosecutor as defined in subdi-
7 vision thirty-one of section 1.20 of the criminal procedure law, regis-
8 tered nurse, licensed practical nurse, public health sanitarian, New
9 York city public health sanitarian, sanitation enforcement agent, New
10 York city sanitation worker, emergency medical service paramedic, [~~or~~]
11 emergency medical service technician is performing an assigned duty; or
12 a flight crew member or flight attendant of the aircraft, a terminal
13 cleaner, cabin cleaner, facilities cleaner, wheelchair assist employee,
14 baggage handler, skycap, ticket agent, customer services employee, secu-
15 rity guard, queue management employee, shuttle bus driver, or any
16 employee whose duties require him or her to work on the tarmac, employed
17 by any airport, airport authority or company, public or private, that
18 performs such services at an airport, he or she causes physical injury
19 to such terminal cleaner, cabin cleaner, facilities cleaner, wheelchair
20 assist employee, baggage handler, skycap, ticket agent, customer
21 services employee, security guard, queue management employee, shuttle
22 bus driver, or any employee whose duties require him or her to work on
23 the tarmac, while such employee is performing an assigned duty of, or
24 directly related to, such services at an airport in the state of New
25 York; or

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