

# STATE OF NEW YORK

10452

## IN ASSEMBLY

May 24, 2024

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Woerner) --  
read once and referred 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 Assem-  
bly, 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 section 2 of part z of chapter 55 of the laws of  
4 2024, are amended to 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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1 subdivision thirty-one of section 1.20 of the criminal procedure law,  
2 [~~registered nurse, licensed practical nurse,~~ physician, physician  
3 assistant, health care provider, primary care practitioner or primary  
4 care physician, a nurse or nursing professional including a registered  
5 nurse, nurse practitioner, certified or licensed nurse practitioner, a  
6 certified nursing assistant, or a licensed practical nurse, ambulance  
7 personnel, a director of a hospital or a medical director, employee,  
8 attendant, agent or volunteer of a hospital as defined in section twenty-eight  
9 hundred one of the public health law, a public health sanitari-  
10 an, New York city public health sanitarian, sanitation enforcement  
11 agent, New York city sanitation worker, firefighter, paramedic, techni-  
12 cian, city marshal, school crossing guard appointed pursuant to section  
13 two hundred eight-a of the general municipal law, traffic enforcement  
14 officer, traffic enforcement agent or employee of an entity governed by  
15 the public service law, [~~he or she~~ such person causes physical injury  
16 to such peace officer, police officer, prosecutor as defined in subdivi-  
17 sion thirty-one of section 1.20 of the criminal procedure law, [~~regis-~~  
18 ~~tered nurse, licensed practical nurse,~~ physician, physician assistant,  
19 health care provider, primary care practitioner or primary care physi-  
20 cian, a nurse or nursing professional including a registered nurse,  
21 nurse practitioner, certified or licensed nurse practitioner, a certi-  
22 fied nursing assistant, or a licensed practical nurse, ambulance person-  
23 nel, a director of a hospital or a medical director, employee, attend-  
24 ant, agent or volunteer of a hospital as defined in section twenty-eight  
25 hundred one of the public health law, a public health sanitarian, New  
26 York city public health sanitarian, sanitation enforcement agent, New  
27 York city sanitation worker, firefighter, paramedic, technician or  
28 medical or related personnel in a hospital emergency department, city  
29 marshal, school crossing guard, traffic enforcement officer, traffic  
30 enforcement agent or employee of an entity governed by the public  
31 service law; or

32 11. With intent to cause physical injury to a train operator, ticket  
33 inspector, conductor, signalperson, bus operator, station agent, station  
34 cleaner, terminal cleaner, station customer assistant, traffic checker;  
35 person whose official duties include the sale or collection of tickets,  
36 passes, vouchers, or other revenue payment media for use on a train,  
37 bus, or ferry the collection or handling of revenues therefrom; a person  
38 whose official duties include the maintenance, repair, inspection, trou-  
39 bleshooting, testing or cleaning of buses or ferries, a transit signal  
40 system, elevated or underground subway tracks, transit station struc-  
41 ture, including fare equipment, escalators, elevators and other equip-  
42 ment necessary to passenger service, commuter rail tracks or stations,  
43 train yard, revenue train in passenger service, a ferry station, or a  
44 train or bus station or terminal; or a supervisor of such personnel,  
45 employed by any transit or commuter rail agency, authority or company,  
46 public or private, whose operation is authorized by New York state or  
47 any of its political subdivisions, a city marshal, a school crossing  
48 guard appointed pursuant to section two hundred eight-a of the general  
49 municipal law, a traffic enforcement officer, traffic enforcement agent,  
50 prosecutor as defined in subdivision thirty-one of section 1.20 of the  
51 criminal procedure law, sanitation enforcement agent, New York city  
52 sanitation worker, public health sanitarian, New York city public health  
53 sanitarian, [~~registered nurse, licensed practical nurse,~~ physician,  
54 physician assistant, health care provider, primary care practitioner or  
55 primary care physician, a nurse or nursing professional including a  
56 registered nurse, nurse practitioner, certified or licensed nurse prac-

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

1 § 2. This act shall take effect on the sixtieth day after it shall  
2 have become a law; provided, however that the amendments to subdivision  
3 11 of section 120.05 of the penal law made by section one of this act  
4 take effect on the same date and in the same manner as section 2 of part  
5 Z of chapter 55 of the laws of 2024 take effect.