

# STATE OF NEW YORK

3547

2023-2024 Regular Sessions

## IN ASSEMBLY

February 3, 2023

Introduced by M. of A. PRETLOW -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to assaults on department of sanitation workers and nursing professionals

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~~] a nursing professional including nurse prac-  
8 titioner, certified or licensed nurse practitioners, certified nursing  
9 assistants, licensed practical [~~nurse~~] nurses, public health sanitarian,  
10 New York city public health sanitarian, sanitation enforcement agent,  
11 [~~New York city~~] sanitation worker, a firefighter, including a fireficht-  
12 er acting as a paramedic or emergency medical technician administering  
13 first aid in the course of performance of duty as such firefighter, an  
14 emergency medical service paramedic or emergency medical service techni-  
15 cian, or medical or related personnel in a hospital emergency depart-  
16 ment, a city marshal, a school crossing guard appointed pursuant to  
17 section two hundred eight-a of the general municipal law, a traffic  
18 enforcement officer, traffic enforcement agent or employee of any entity  
19 governed by the public service law in the course of performing an essen-  
20 tial service, from performing a lawful duty, by means including releas-  
21 ing or failing to control an animal under circumstances evincing the  
22 actor's intent that the animal obstruct the lawful activity of such  
23 peace officer, police officer, prosecutor as defined in subdivision  
24 thirty-one of section 1.20 of the criminal procedure law, [~~registered~~  
25 ~~nurse, licensed practical nurse~~] nursing professional, public health

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

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

16 11. With intent to cause physical injury to a train operator, ticket  
17 inspector, conductor, signalperson, bus operator, station agent, station  
18 cleaner, terminal cleaner, station customer assistant; person whose  
19 official duties include the sale or collection of tickets, passes,  
20 vouchers, or other revenue payment media for use on a train or bus or  
21 the collection or handling of revenues therefrom; a person whose offi-  
22 cial duties include the maintenance, repair, inspection, troubleshoot-  
23 ing, testing or cleaning of buses, a transit signal system, elevated or  
24 underground subway tracks, transit station structure, including fare  
25 equipment, escalators, elevators and other equipment necessary to  
26 passenger service, commuter rail tracks or stations, train yard, revenue  
27 train in passenger service, or a train or bus station or terminal; or a  
28 supervisor of such personnel, employed by any transit or commuter rail  
29 agency, authority or company, public or private, whose operation is  
30 authorized by New York state or any of its political subdivisions, a  
31 city marshal, a school crossing guard appointed pursuant to section two  
32 hundred eight-a of the general municipal law, a traffic enforcement  
33 officer, traffic enforcement agent, prosecutor as defined in subdivision  
34 thirty-one of section 1.20 of the criminal procedure law, sanitation  
35 enforcement agent, [~~New York city~~] sanitation worker, public health  
36 sanitarian, New York city public health sanitarian, [~~registered~~] a nurs-  
37 ing professional including nurse[7] practitioners, or certified licensed  
38 practical [~~nurse~~] nurses, emergency medical service paramedic, or emer-  
39 gency medical service technician, he or she causes physical injury to  
40 such train operator, ticket inspector, conductor, signalperson, bus  
41 operator, station agent, station cleaner, terminal cleaner, station  
42 customer assistant; person whose official duties include the sale or  
43 collection of tickets, passes, vouchers or other revenue payment media  
44 for use on a train or bus or the collection or handling of revenues  
45 therefrom; a person whose official duties include the maintenance,  
46 repair, inspection, troubleshooting, testing or cleaning of buses, a  
47 transit signal system, elevated or underground subway tracks, transit  
48 station structure, including fare equipment, escalators, elevators and  
49 other equipment necessary to passenger service, commuter rail tracks or  
50 stations, train yard, revenue train in passenger service, or a train or  
51 bus station or terminal; or a supervisor of such personnel, city  
52 marshal, school crossing guard appointed pursuant to section two hundred  
53 eight-a of the general municipal law, traffic enforcement officer, traf-  
54 fic enforcement agent, prosecutor as defined in subdivision thirty-one  
55 of section 1.20 of the criminal procedure law, [~~registered nurse,~~  
56 ~~licensed practical nurse~~] nursing professional, public health sanitari-

1 an, New York city public health sanitarian, sanitation enforcement  
2 agent, [~~New York city~~] sanitation worker, emergency medical service  
3 paramedic, or emergency medical service technician, while such employee  
4 is performing an assigned duty on, or directly related to, the operation  
5 of a train or bus, cleaning of a train or bus station or terminal,  
6 assisting customers, the sale or collection of tickets, passes, vouch-  
7 ers, or other revenue media for use on a train or bus, or maintenance or  
8 cleaning of a train, a bus, or bus station or terminal, signal system,  
9 elevated or underground subway tracks, transit station structure,  
10 including fare equipment, escalators, elevators and other equipment  
11 necessary to passenger service, commuter rail tracks or stations, train  
12 yard or revenue train in passenger service, or such city marshal, school  
13 crossing guard, traffic enforcement officer, traffic enforcement agent,  
14 prosecutor as defined in subdivision thirty-one of section 1.20 of the  
15 criminal procedure law, [~~registered nurse, licensed practical nurse~~]  
16 nursing professional, public health sanitarian, New York city public  
17 health sanitarian, sanitation enforcement agent, [~~New York city~~] sanita-  
18 tion worker, emergency medical service paramedic, or emergency medical  
19 service technician 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.