

# STATE OF NEW YORK

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4222

2023-2024 Regular Sessions

## IN SENATE

February 6, 2023

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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 including employees of the office of children and family services on the list of public employees for which prevention of duties qualifies as 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. 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 city marshal, a school crossing guard appointed  
15 pursuant to section two hundred eight-a of the general municipal law, a  
16 traffic enforcement officer, traffic enforcement agent or employee of  
17 any entity governed by the public service law in the course of perform-  
18 ing an essential service, or employee of a secure or limited secure  
19 residential facility licensed, certified or operated by the office of  
20 children and family services, from performing a lawful duty, by means  
21 including releasing or failing to control an animal under circumstances  
22 evincing the actor's intent that the animal obstruct the lawful activity  
23 of such peace officer, police officer, prosecutor as defined in subdivi-

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

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sion thirty-one of section 1.20 of the criminal procedure law, registered nurse, licensed practical nurse, 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, or employee of a secure or limited secure residential facility licensed, certified or operated by the office of children and family services, 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, 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 employee of a secure or limited secure residential facility licensed, certified or operated by the office of children and family services; 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, emergency medical service paramedic, ~~[or]~~ emergency medical service technician, or employee of a secure or limited secure residential facility licensed, certified or operated by the office of children and family services, he or she causes physical injury to such 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

1 bus station or terminal; or a supervisor of such personnel, city  
2 marshal, school crossing guard appointed pursuant to section two hundred  
3 eight-a of the general municipal law, traffic enforcement officer, traf-  
4 fic enforcement agent, prosecutor as defined in subdivision thirty-one  
5 of section 1.20 of the criminal procedure law, registered nurse,  
6 licensed practical nurse, public health sanitarian, New York city public  
7 health sanitarian, sanitation enforcement agent, New York city sanita-  
8 tion worker, emergency medical service paramedic, ~~[or]~~ emergency medical  
9 service technician, or employee of a secure or limited secure residen-  
10 tial facility licensed, certified or operated by the office of children  
11 and family services, while such employee is performing an assigned duty  
12 on, or directly related to, the operation of a train or bus, cleaning of  
13 a train or bus station or terminal, assisting customers, the sale or  
14 collection of tickets, passes, vouchers, or other revenue media for use  
15 on a train or bus, or maintenance or cleaning of a train, a bus, or bus  
16 station or terminal, signal system, elevated or underground subway  
17 tracks, transit station structure, including fare equipment, escalators,  
18 elevators and other equipment necessary to passenger service, commuter  
19 rail tracks or stations, train yard or revenue train in passenger  
20 service, or such city marshal, school crossing guard, traffic enforce-  
21 ment officer, traffic enforcement agent, prosecutor as defined in subdi-  
22 vision thirty-one of section 1.20 of the criminal procedure law, regis-  
23 tered nurse, licensed practical nurse, public health sanitarian, New  
24 York city public health sanitarian, sanitation enforcement agent, New  
25 York city sanitation worker, emergency medical service paramedic, ~~[or]~~  
26 emergency medical service technician, or employee of a secure or limited  
27 secure residential facility licensed, certified or operated by the  
28 office of children and family services is performing an assigned duty;  
29 or

30 § 2. This act shall take effect immediately.