

# STATE OF NEW YORK

8859

## IN SENATE

March 22, 2024

Introduced by Sen. MARTINEZ -- 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 assault in the second degree of an operator or crew of a passenger commuter ferry

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~~] an operator or crew of  
5 a passenger commuter ferry as defined in subdivision (n) of section  
6 three hundred of the tax law, train operator, ticket inspector, conduc-  
7 tor, signalperson, bus operator, station agent, station cleaner, termi-  
8 nal cleaner, station customer assistant; person whose official duties  
9 include the sale or collection of tickets, passes, vouchers, or other  
10 revenue payment media for use on a train or bus or the collection or  
11 handling of revenues therefrom; a person whose official duties include  
12 the maintenance, repair, inspection, troubleshooting, testing or clean-  
13 ing of buses, a transit signal system, elevated or underground subway  
14 tracks, transit station structure, including fare equipment, escalators,  
15 elevators and other equipment necessary to passenger service, commuter  
16 rail tracks or stations, train yard, revenue train in passenger service,  
17 or a train or bus station or terminal; or a supervisor of such person-  
18 nel, employed by any transit or commuter rail agency, authority or  
19 company, public or private, whose operation is authorized by New York  
20 state or any of its political subdivisions, a city marshal, a school  
21 crossing guard appointed pursuant to section two hundred eight-a of the  
22 general municipal law, a traffic enforcement officer, traffic enforce-  
23 ment agent, prosecutor as defined in subdivision thirty-one of section  
24 1.20 of the criminal procedure law, sanitation enforcement agent, New  
25 York city sanitation worker, public health sanitarian, New York city  
26 public health sanitarian, registered nurse, licensed practical nurse,  
27 emergency medical service paramedic, or emergency medical service tech-  
28 nician, [~~he or she~~] such person causes physical injury to such train

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

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1 operator, ticket inspector, conductor, signalperson, bus operator,  
2 station agent, station cleaner, terminal cleaner, station customer  
3 assistant; person whose official duties include the sale or collection  
4 of tickets, passes, vouchers or other revenue payment media for use on a  
5 train or bus or the collection or handling of revenues therefrom; a  
6 person whose official duties include the maintenance, repair,  
7 inspection, troubleshooting, testing or cleaning of buses, a transit  
8 signal system, elevated or underground subway tracks, transit station  
9 structure, including fare equipment, escalators, elevators and other  
10 equipment necessary to passenger service, commuter rail tracks or  
11 stations, train yard, revenue train in passenger service, or a train or  
12 bus station or terminal; or a supervisor of such personnel, city  
13 marshal, school crossing guard appointed pursuant to section two hundred  
14 eight-a of the general municipal law, traffic enforcement officer, traf-  
15 fic enforcement agent, prosecutor as defined in subdivision thirty-one  
16 of section 1.20 of the criminal procedure law, registered nurse,  
17 licensed practical nurse, public health sanitarian, New York city public  
18 health sanitarian, sanitation enforcement agent, New York city sanita-  
19 tion worker, emergency medical service paramedic, or emergency medical  
20 service technician, while such employee is performing an assigned duty  
21 on, or directly related to, the operation of a train or bus, cleaning of  
22 a train or bus station or terminal, assisting customers, the sale or  
23 collection of tickets, passes, vouchers, or other revenue media for use  
24 on a train or bus, or maintenance or cleaning of a train, a bus, or bus  
25 station or terminal, signal system, elevated or underground subway  
26 tracks, transit station structure, including fare equipment, escalators,  
27 elevators and other equipment necessary to passenger service, commuter  
28 rail tracks or stations, train yard or revenue train in passenger  
29 service, or such city marshal, school crossing guard, traffic enforce-  
30 ment officer, traffic enforcement agent, prosecutor as defined in subdi-  
31 vision thirty-one of section 1.20 of the criminal procedure law, regis-  
32 tered nurse, licensed practical nurse, public health sanitarian, New  
33 York city public health sanitarian, sanitation enforcement agent, New  
34 York city sanitation worker, emergency medical service paramedic, or  
35 emergency medical service technician is performing an assigned duty; or  
36 § 2. This act shall take effect immediately.