

STATE OF NEW YORK

8854

2025-2026 Regular Sessions

IN ASSEMBLY

June 9, 2025

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

AN ACT to amend the penal law, in relation to 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 section 2 of part Z of chapter 55 of the laws of 2024, is
3 amended to read as 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, traffic checker;
7 person whose official duties include the sale or collection of tickets,
8 passes, vouchers, or other revenue payment media for use on a train,
9 bus, or ferry the collection or handling of revenues therefrom; a person
10 whose official duties include the construction, maintenance, repair,
11 inspection, troubleshooting, testing or cleaning of buses or ferries, a
12 transit signal system, elevated or underground subway tracks, transit
13 station or transportation structure, including fare equipment, escalators,
14 elevators and other equipment necessary to passenger service,
15 commuter rail tracks or stations, train yard, revenue train in passenger
16 service, a ferry station, or a train or bus station or terminal, or any
17 roadways, walkways, tunnels, bridges, tolling facilities or their
18 supporting systems, building or structures; or a supervisor of such
19 personnel, employed by any transit or commuter rail agency, authority or
20 company, public or private, whose operation is authorized or established
21 by New York state or any of its political subdivisions, a city marshal,
22 a school crossing guard appointed pursuant to section two hundred
23 eight-a of the general municipal law, a traffic enforcement officer,
24 traffic enforcement agent, motor vehicle license examiner, motor vehicle
25 representative, highway worker as defined in section one hundred eigh-

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

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1 teen-a of the vehicle and traffic law, motor carrier investigator as
2 defined in section one hundred eighteen-b of the vehicle and traffic
3 law, motor vehicle inspector as defined in section one hundred eigh-
4 teen-c of the vehicle and traffic law, prosecutor as defined in subdivi-
5 sion thirty-one of section 1.20 of the criminal procedure law, sanita-
6 tion enforcement agent, New York city sanitation worker, public health
7 sanitarian, New York city public health sanitarian, registered nurse,
8 licensed practical nurse, emergency medical service paramedic, or emer-
9 gency medical service technician, ~~[he or she]~~ such person causes phys-
10 ical injury to such train operator, ticket inspector, conductor, signal-
11 person, bus operator, station agent, station cleaner, terminal cleaner,
12 station customer assistant, traffic checker; person whose official
13 duties include the sale or collection of tickets, passes, vouchers or
14 other revenue payment media for use on a train, bus, or ferry or the
15 collection or handling of revenues therefrom; a person whose official
16 duties include the construction, maintenance, repair, inspection, trou-
17 bleshooting, testing or cleaning of buses or ferries, a transit signal
18 system, elevated or underground subway tracks, transit station or trans-
19 portation structure, including fare equipment, escalators, elevators and
20 other equipment necessary to passenger service, commuter rail tracks or
21 stations, train yard, revenue train in passenger service, a ferry
22 station, or a train or bus station or terminal, or any roadways, walk-
23 ways, tunnels, bridges, tolling facilities or their supporting systems,
24 buildings or structures; or a supervisor of such personnel, city
25 marshal, school crossing guard appointed pursuant to section two hundred
26 eight-a of the general municipal law, traffic enforcement officer, traf-
27 fic enforcement agent, motor vehicle license examiner, motor vehicle
28 representative, highway worker as defined in section one hundred eigh-
29 teen-a of the vehicle and traffic law, motor carrier investigator as
30 defined in section one hundred eighteen-b of the vehicle and traffic
31 law, motor vehicle inspector as defined in section one hundred eigh-
32 teen-c of the vehicle and traffic law, prosecutor as defined in subdivi-
33 sion thirty-one of section 1.20 of the criminal procedure law, regis-
34 tered nurse, licensed practical nurse, public health sanitarian, New
35 York city public health sanitarian, sanitation enforcement agent, New
36 York city sanitation worker, emergency medical service paramedic, or
37 emergency medical service technician, while such employee is performing
38 ~~[an assigned duty on, or directly related to,]~~ a lawful act related,
39 directly or indirectly, to an employment responsibility, including but
40 not limited to the operation of a train or bus, cleaning of a train or
41 bus station or terminal, assisting customers, checking traffic, the sale
42 or collection of tickets, passes, vouchers, or other revenue media for
43 use on a train, bus, or ferry or maintenance or cleaning of a train, a
44 bus, a ferry, or bus station or terminal, signal system, elevated or
45 underground subway tracks, transit station or transportation structure,
46 including fare equipment, escalators, elevators and other equipment
47 necessary to passenger service, commuter rail tracks or stations, train
48 yard or revenue train in passenger service, a ferry station, or such
49 city marshal, school crossing guard, traffic enforcement officer, traf-
50 fic enforcement agent, motor vehicle license examiner, motor vehicle
51 representative, highway worker as defined in section one hundred eigh-
52 teen-a of the vehicle and traffic law, motor carrier investigator as
53 defined in section one hundred eighteen-b of the vehicle and traffic
54 law, motor vehicle inspector as defined in section one hundred eigh-
55 teen-c of the vehicle and traffic law, prosecutor as defined in subdivi-
56 sion thirty-one of section 1.20 of the criminal procedure law, regis-

1 tered nurse, licensed practical nurse, public health sanitarian, New
2 York city public health sanitarian, sanitation enforcement agent, New
3 York city sanitation worker, emergency medical service paramedic, or
4 emergency medical service technician is performing an assigned duty; or

5 § 2. The vehicle and traffic law is amended by adding three new
6 sections 118-a, 118-b and 118-c to read as follows:

7 § 118-a. Highway worker. Any person employed by or on behalf of the
8 state, a county, city, town, village, a public authority, local authori-
9 ty, public utility company, or an agent or contractor of any such enti-
10 ty, or a flagperson as defined in section one hundred fifteen-b of this
11 article, who has been assigned to perform work on a highway, public
12 highway, roadway, access highway, or qualifying highway, or within the
13 highway right of way. Such work may include, but shall not be limited
14 to, construction, reconstruction, maintenance, improvement, flagging,
15 utility installation, or the operation of equipment. For purposes of
16 this section, the term "highway right of way" shall mean the entire
17 width between the boundary line of all property which has been
18 purchased, appropriated, or designated by the state, a municipal entity,
19 or a public benefit corporation for highway purposes, all property over
20 which the commissioner of transportation, any municipal entity, or
21 public benefit corporation has assumed jurisdiction for highway
22 purposes, and all property that has become part of a highway system
23 through dedication or use, including any property deemed necessary for
24 the maintenance, construction, reconstruction, or improvement of any
25 highway. Such work may include, but shall not be limited to
26 construction, reconstruction, maintenance, improvement, flagging, utili-
27 ty installation, or the operation of equipment.

28 § 118-b. Motor carrier investigator. Any person employed by the
29 department of transportation who has been assigned to perform investi-
30 gations of any motor carriers regulated by the commissioner of transpor-
31 tation.

32 § 118-c. Motor vehicle inspector. Any person employed by the depart-
33 ment of transportation who has been assigned to perform inspections of
34 any motor vehicles regulated by the commissioner of transportation.

35 § 3. This act shall take effect on the ninetieth day after it shall
36 have become a law.