

STATE OF NEW YORK

9394

2025-2026 Regular Sessions

IN ASSEMBLY

December 19, 2025

Introduced by M. of A. BUTTENSCHON, COLTON, CRUZ, FALL, SAYEGH, GRIFFIN,
COOK -- read once and referred 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 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, 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, ~~[he or she]~~ or employee of a secure or limited secure residential facility licensed, certified or operated by the office of children and family services, such person 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, traffic checker; person whose official duties include the sale or collection of tickets, passes, vouchers, or other revenue payment media for use on a train, bus, or ferry the collection or handling of revenues therefrom; a person whose official duties include the maintenance, repair, inspection, troubleshooting, testing or cleaning of buses or ferries, 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, a ferry station, 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]~~ or employee of a secure or limited secure residential facility licensed, certified or operated by the office of children and family services, such person causes physical injury to such train operator, ticket inspector, conductor, signalperson, bus operator, station agent, station cleaner, terminal cleaner, station customer assistant, traffic checker; person whose official duties include the sale or collection of tickets, passes, vouchers or other revenue payment media for use on a train, bus, or ferry or the collection or handling of revenues therefrom; a person whose official duties include the maintenance, repair, inspection, troubleshooting, testing or cleaning of buses or ferries, 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

1 stations, train yard, revenue train in passenger service, a ferry
2 station, or a train or bus station or terminal; or a supervisor of such
3 personnel, 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, prosecutor as defined in
6 subdivision thirty-one of section 1.20 of the criminal procedure law,
7 registered nurse, licensed practical nurse, public health sanitarian,
8 New York city public health sanitarian, sanitation enforcement agent,
9 New York city sanitation worker, emergency medical service paramedic,
10 ~~[or]~~ emergency medical service technician, or employee of a secure or
11 limited secure residential facility licensed, certified or operated by
12 the office of children and family services, while such employee is
13 performing an assigned duty on, or directly related to, the operation of
14 a train or bus, cleaning of a train or bus station or terminal, assist-
15 ing customers, checking traffic, the sale or collection of tickets,
16 passes, vouchers, or other revenue media for use on a train, bus, or
17 ferry or maintenance or cleaning of a train, a bus, a ferry, or bus
18 station or terminal, signal system, elevated or underground subway
19 tracks, transit station structure, including fare equipment, escalators,
20 elevators and other equipment necessary to passenger service, commuter
21 rail tracks or stations, train yard or revenue train in passenger
22 service, a ferry station, or such city marshal, school crossing guard,
23 traffic enforcement officer, traffic enforcement agent, prosecutor as
24 defined in subdivision thirty-one of section 1.20 of the criminal proce-
25 dure law, registered nurse, licensed practical nurse, public health
26 sanitarian, New York city public health sanitarian, sanitation enforce-
27 ment agent, New York city sanitation worker, emergency medical service
28 paramedic, ~~[or]~~ emergency medical service technician, or employee of a
29 secure or limited secure residential facility licensed, certified or
30 operated by the office of children and family services is performing an
31 assigned duty; or
32 § 2. This act shall take effect immediately.