

S1760 - Details

See Assembly Version of this Bill: [A6598](#)

Law Section: Penal Law

Laws Affected: Amd §120.05, Pen L

Versions Introduced in 2015-2016 Legislative Session: [S7866](#)

S1760 - Summary

Relates to assaults on supervisory personnel of a transit system performing assigned duties; elevates such assault to second degree.

S1760 - Sponsor Memo

BILL NUMBER: S1760

TITLE OF BILL:

An act to amend the penal law, in relation to assault in the second degree upon a supervisory member of a transit system

PURPOSE OR GENERAL IDEA OF BILL:

To include supervisory personnel employed by a transit agency, authority, or company whose operation is authorized by New York State or any of its political subdivision in the existing 2nd degree assault provisions found in Penal Law section 120.05(11).

SUMMARY OF PROVISIONS:

Section one of this bill amends subdivision 11 of section 120.05 of the Penal law, to add to the offense of assault in the 2nd degree, intentionally causing physical injury to the supervisory personnel employed by a transit agency, authority, or company whose operation is authorized by New York State or any of its political subdivision.

Section two of this bill provides that this act shall take effect on the ninetieth day after it shall have become a law.

EXISTING LAW:

Currently, Penal Law section 120.05(11) does not specifically include Supervisory personnel employed by a transit agency.

JUSTIFICATION:

Supervisory personnel employed by a transit agency work with, and among the public to help ensure that trains and busses run on schedule and quite often, supervisors are on location and interact with members of the public when an extraordinary event occurs. Unfortunately, these employees are easy targets for those who seek to intentionally harm others. This bill would help protect these supervisory employees by providing as a deterrent to those who seek to harm them.

1760

2017-2018 Regular Sessions

I N S E N A T E

January 10, 2017

Introduced by Sen. GOLDEN -- 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 upon a supervisory member of a transit system

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 separately amended by chapters 268 and 281 of the laws of 2016, is amended
2 to read as follows:
3

4 11. With intent to cause physical injury to a train operator, ticket
5 inspector, conductor, signalperson, bus operator, station agent, station
6 cleaner [or], terminal cleaner OR SUPERVISORY PERSONNEL employed by any
7 transit agency, authority or company, public or private, whose operation
8 is authorized by New York state or any of its political subdivisions, a
9 city marshal, a school crossing guard appointed pursuant to section two
10 hundred eight-a of the general municipal law, a traffic enforcement
11 officer, traffic enforcement agent, prosecutor as defined in subdivision
12 thirty-one of section 1.20 of the criminal procedure law, sanitation
13 enforcement agent, New York city sanitation worker, public health sanitarian,
14 New York city public health sanitarian, registered nurse,
15 licensed practical nurse, emergency medical service paramedic, or emergency
16 medical service technician, he or she causes physical injury to
17 such train operator, ticket inspector, conductor, signalperson, bus
18 operator, station agent, station cleaner [or], terminal cleaner, OR
19 SUPERVISORY PERSONNEL, city marshal, school crossing guard appointed
20 pursuant to section two hundred eight-a of the general municipal law,
21 traffic enforcement officer, traffic enforcement agent, prosecutor as
22 defined in subdivision thirty-one of section 1.20 of the criminal procedure
23 law, registered nurse, licensed practical nurse, public health
24 sanitarian, New York city public health sanitarian, sanitation enforcement
25 agent, New York city sanitation worker, emergency medical service

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

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1 paramedic, or emergency medical service technician, while such employee
2 is performing an assigned duty on, or directly related to, the operation
3 of a train or bus, including the cleaning of a train or bus station or
4 terminal, or such city marshal, school crossing guard, traffic enforce-
5 ment officer, traffic enforcement agent, prosecutor as defined in subdi-
6 vision thirty-one of section 1.20 of the criminal procedure law, regis-
7 tered nurse, licensed practical nurse, public health sanitarian, New
8 York city public health sanitarian, sanitation enforcement agent, New
9 York city sanitation worker, emergency medical service paramedic, or
10 emergency medical service technician is performing an assigned duty; or
11 S 2. This act shall take effect on the ninetieth day after it shall
12 have become a law.