

1034-A Gunther (MS) Same as [S 3621-A](#) FUNKE
Penal Law
TITLE....Relates to assault of certain persons providing direct patient care
01/08/15 referred to codes
05/26/15 amend and recommit to codes
05/26/15 print number 1034a
06/08/15 reported referred to rules
06/10/15 reported
06/10/15 rules report cal.205
06/10/15 ordered to third reading rules cal.205
06/17/15 passed assembly
06/17/15 delivered to senate
06/17/15 REFERRED TO RULES
06/18/15 SUBSTITUTED FOR S3621A
06/18/15 PASSED SENATE
06/18/15 RETURNED TO ASSEMBLY
11/10/15 delivered to governor
11/21/15 signed chap.423

S3621-A FUNKE Same as [A 1034-A](#) Gunther (MS)
ON FILE: 05/28/15 Penal Law
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02/13/15 REFERRED TO CODES
05/26/15 AMEND AND RECOMMIT TO CODES
05/26/15 PRINT NUMBER 3621A
06/02/15 1ST REPORT CAL.1302
06/03/15 2ND REPORT CAL.
06/08/15 ADVANCED TO THIRD READING
06/18/15 SUBSTITUTED BY A1034A
A01034 Gunther (MS) AMEND=A
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STATE OF NEW YORK

1034--A

2015-2016 Regular Sessions

IN ASSEMBLY

January 8, 2015

Introduced by M. of A. GUNTHER, LAVINE, ORTIZ, TITONE, CRESPO, HOOPER, CLARK, JAFFEE, BRINDISI, RYAN, SKOUFIS, LUPARDO, SCHIMMINGER, ROBINSON, SCHIMEL, MILLER, FAHY, SANTABARBARA, MONTESANO, WALTER -- Multi-Sponsored by -- M. of A. ARROYO, CORWIN, DUPREY, FINCH, GALEF, HAWLEY, LUPINACCI, MAGEE, MALLIOTAKIS, RAIA, RAMOS, RIVERA, SALADINO -- read once and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the penal law, in relation to assault of certain persons providing direct patient care

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 120.05 of the penal law is amended by adding two
2 new subdivisions 3-c and 11-c to read as follows:

3 3-c. With intent to prevent an employee providing direct patient
4 care, who is not a nurse pursuant to title eight of the education law,
5 whose principal employment responsibility is to carry out direct patient
6 care for one or more patients in any hospital, nursing home, residential
7 health care facility, general hospital, government agency including any
8 chronic disease hospital, maternity hospital, outpatient department,
9 emergency center or surgical center under article twenty-eight of the
10 public health law, from performing a lawful duty, he or she causes phys-
11 ical injury to such employee providing direct patient care; or

12 11-c. With intent to cause physical injury to an employee providing
13 direct patient care, who is not a nurse pursuant to title eight of the
14 education law, whose principal employment responsibility is to carry out
15 direct patient care for one or more patients in any hospital, nursing
16 home, residential health care facility, general hospital, government
17 agency including any chronic disease hospital, maternity hospital,
18 outpatient department, emergency center or surgical center under article
19 twenty-eight of the public health law, he or she causes physical injury

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

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1 to such employee providing direct patient care while such employee is
2 performing a lawful duty; or

3 § 2. This act shall take effect on the first of November next succeed-
4 ing the date on which it shall have become a law.

NEW YORK STATE ASSEMBLY
MEMORANDUM IN SUPPORT OF LEGISLATION
submitted in accordance with Assembly Rule III, Sec 1(f)

BILL NUMBER: A1034A

SPONSOR: Gunther (MS)

TITLE OF BILL:

An act to amend the penal law, in relation to assault of certain persons providing direct patient care

PURPOSE OF GENERAL IDEA OF BILL:

To classify assault on a person providing direct patient care as an assault in the second degree under section 120.05 of the Penal law.

SUMMARY OF SPECIFIC PROVISIONS:

Section 1. Adds two new subdivision 3-c and 11-c to section 120.05 of the penal law to include assaults on persons providing direct patient care. A person providing direct patient care is defined as any direct-care staff who is not a nurse pursuant to title eight of the education law whose principal responsibility is to carry out direct patient care for one or more patients in a variety of health care settings.

JUSTIFICATION:

Current law provides the protections afforded in this bill to a variety of professions, ranging from registered nurses to firefighters, emergency medical technicians and even sanitation enforcement agents. This bill seeks to apply the same standards to direct care staff in a health care setting. This proposal is consistent with the current inclusion of nurses, and will lead to greater protections for health care workers that have to deal with difficult conditions and patient related issues day in and day out.

PRIOR LEGISLATIVE HISTORY:

2013-14: A1498B Passed Assembly/S1089B Committed to Rules
2011-12: A7577 referred to Codes/S4937 referred to Codes

FISCAL IMPLICATIONS:

None.

EFFECTIVE DATE:

This act shall take effect on the first November next succeeding the date on which it shall have become a law.