



New York State
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Franklin County District Attorney
355 West Main Street
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Dear Mr. Champagne:

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I am writing to request your assistance in getting the word out to all District Attorneys about the newly enacted "Violence Against Nurses" law. This law went into effect on November 1, 2010. The law amended subdivisions 3 and 11 of section 120.05 of the Penal Law by adding Registered Nurses and Licensed Practical Nurses to the listed occupations.

It is my understanding that cases that were previously charged as Assault 3rd degree misdemeanors should now all be charged as D felonies, which may carry a sentence of 2 and 1/3 to 7 years in prison. We realize that all cases must be evaluated on a case by case basis.

In advocating for nurses who have been assaulted while performing their lawful duties in state facilities, we have learned that many District Attorneys and police are not familiar with the new law. This has resulted in some errors and inconsistencies in police reports and criminal charges.

We appreciate the work of the state's District Attorneys and their important role in community safety. Thank you in advance for getting this information out to the DAs.

Sincerely,

Kenneth Brynien, President

cc: Pat Baker, PEF Vice-President
Jonathan Rosen, Director, Occupational Safety & Health Department