S T A T E O F N E W Y O R K

1052

2009-2010 Regular Sessions

I N S E N A T E

January 22, 2009

Introduced by Sens. MAZIARZ, ALESI, FLANAGAN, GOLDEN, MORAHAN, VOLKER, WINNER -- 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 the assault on sports officials

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Subdivisions 10, 11 and 12 of section 120.05 of the penal law, subdivision 10 as added by chapter 181 of the laws of 2000, subdivision 11 as amended by chapter 45 of the laws of 2008 and subdivision 12 as added by chapter 68 of the laws of 2008, are amended and a new subdivision 13 is added to read as follows:

10. Acting at a place the person knows, or reasonably should know, is on school grounds and with intent to cause physical injury, he or she:

(a) causes such injury to an employee of a school or public school district; or

(b) not being a student of such school or public school district, causes physical injury to another, and such other person is a student of such school who is attending or present for educational purposes. For purposes of this subdivision the term "school grounds" shall have the meaning set forth in subdivision fourteen of section 220.00 of this chapter[.]; OR

11. With intent to cause physical injury to a train operator, ticket inspector, conductor, signalperson, bus operator or station agent employed by any transit 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 traffic enforcement officer or traffic enforcement agent, he or she causes physical injury to such train operator, ticket inspector, conductor, signalperson, bus operator or station agent, city marshal, traffic enforcement officer or traffic enforcement agent while such employee is performing an assigned duty on, or directly

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

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related to, the operation of a train or bus, or such city marshal, traffic enforcement officer or traffic enforcement agent is performing an assigned duty[.]; OR

12. With intent to cause physical injury to a person who is sixty-five years of age or older, he or she causes such injury to such person, and the actor is more than ten years younger than such person[.]; OR

13. WITH INTENT TO CAUSE PHYSICAL INJURY TO A SPORTS OFFICIAL AS DEFINED IN SUBDIVISION THREE OF SECTION 180.35 OF THIS CHAPTER, HE OR SHE CAUSES SUCH INJURY TO SUCH SPORTS OFFICIAL IN OR ON OR WITHIN ANY BUILDING, STRUCTURE, ATHLETIC PLAYING FIELD OR PLAYGROUND AT WHICH THE SPORTS CONTEST IS CONDUCTED; INCLUDING ANY AND ALL SURROUNDING PARKING FACILITIES OR AREAS DESIGNATED FOR PARKING FOR SUCH SPORTS CONTESTS.

S 2. The penal law is amended by adding a new section 240.33 to read as follows:

S 240.33 AGGRAVATED HARASSMENT OF A SPORTS OFFICIAL.

A PERSON IS GUILTY OF AGGRAVATED HARASSMENT OF A SPORTS OFFICIAL WHEN, WITH INTENT TO HARASS, ANNOY, THREATEN OR ALARM A SPORTS OFFICIAL AS DEFINED IN SUBDIVISION THREE OF SECTION 180.35 OF THIS CHAPTER, HE OR SHE:

1. STRIKES, SHOVES, KICKS OR OTHERWISE SUBJECTS SUCH SPORTS OFFICIAL TO PHYSICAL CONTACT, OR ATTEMPTS TO THREATEN TO DO THE SAME; OR

2. CAUSES OR ATTEMPTS TO CAUSE SUCH SPORTS OFFICIAL TO COME INTO CONTACT WITH SALIVA BY EXPELLING SUCH FLUID AT A SPORTS CONTEST.

AGGRAVATED HARASSMENT OF A SPORTS OFFICIAL IS A CLASS B MISDEMEANOR.

S 3. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.