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

1130

2011-2012 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 5, 2011

Introduced by M. of A. HAWLEY -- Multi-Sponsored by -- M. of A. BARCLAY, CALHOUN, CROUCH, FINCH, McDONOUGH, REILICH -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to harassment in the first degree

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

Section 1. Section 240.00 of the penal law is amended by adding a new subdivision 7 to read as follows:

7. "SCHOOL EMPLOYEE" MEANS ANY PERSON EMPLOYED BY AN ELEMENTARY OR SECONDARY SCHOOL, PUBLIC OR PRIVATE, OR BY THE SCHOOL DISTRICT OR OTHER ENTITY ADMINISTERING SUCH SCHOOL.

S 2. Section 240.25 of the penal law, as amended by chapter 109 of the laws of 1994, is amended to read as follows:

S 240.25 Harassment in the first degree.

A person is guilty of harassment in the first degree when:

1. he or she intentionally and repeatedly harasses another person by following such person in or about a public place or places or by engaging in a course of conduct or by repeatedly committing acts which [places] PLACE such person in reasonable fear of physical injury, OR

2. HE OR SHE STRIKES, SHOVES, KICKS OR OTHERWISE SUBJECTS A SCHOOL EMPLOYEE TO PHYSICAL CONTACT, OR ATTEMPTS OR THREATENS TO DO THE SAME, WHILE SUCH SCHOOL EMPLOYEE IS ENGAGED IN OR ON ACCOUNT OF THE PERFORMANCE OF THE DUTIES OF SUCH SCHOOL EMPLOYEE. This section shall not apply to activities regulated by the national labor relations act, as amended, the railway labor act, as amended, or the federal employment labor management act, as amended.

Harassment in the first degree 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.

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

LBD03342-01-1