

2385

2011-2012 Regular Sessions

I N   A S S E M B L Y

January 18, 2011

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Introduced by M. of A. GABRYSZAK, WEISENBERG, BURLING, HOYT, JAFFEE, CASTRO, CUSICK, ROBINSON, ENGLEBRIGHT, MAISEL, MAYERSOHN -- Multi-Sponsored by -- M. of A. CORWIN, DESTITO, GALEF, GUNTHER, HAWLEY, KOLB, LATIMER, LUPARDO, MAGEE, McENENY, MENG, PHEFFER, SCARBOROUGH, SCHIMEL, TITONE, TOWNS -- read once and referred 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:

1     Section 1. Subdivisions 10, 11 and 12 of section 120.05 of the penal  
2     law, subdivision 10 as added by chapter 181 of the laws of 2000, subdivi-  
3     vision 11 as separately amended by chapters 318 and 345 of the laws of  
4     2010 and subdivision 12 as added by chapter 68 of the laws of 2008, are  
5     amended and a new subdivision 13 is added to read as follows:  
6     10. Acting at a place the person knows, or reasonably should know, is  
7     on school grounds and with intent to cause physical injury, he or she:  
8     (a) causes such injury to an employee of a school or public school  
9     district; or  
10    (b) not being a student of such school or public school district,  
11    causes physical injury to another, and such other person is a student of  
12    such school who is attending or present for educational purposes. For  
13    purposes of this subdivision the term "school grounds" shall have the  
14    meaning set forth in subdivision fourteen of section 220.00 of this  
15    chapter[.]; OR  
16    11. With intent to cause physical injury to a train operator, ticket  
17    inspector, conductor, signalperson, bus operator or station agent  
18    employed by any transit agency, authority or company, public or private,  
19    whose operation is authorized by New York state or any of its political  
20    subdivisions, a city marshal, a traffic enforcement officer, traffic  
21    enforcement agent or sanitation enforcement agent, registered nurse or

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

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1 licensed practical nurse he or she causes physical injury to such train  
2 operator, ticket inspector, conductor, signalperson, bus operator or  
3 station agent, city marshal, traffic enforcement officer, traffic  
4 enforcement agent, registered nurse or licensed practical nurse or sani-  
5 tation enforcement agent, while such employee is performing an assigned  
6 duty on, or directly related to, the operation of a train or bus, or  
7 such city marshal, traffic enforcement officer, traffic enforcement  
8 agent, registered nurse or licensed practical nurse or sanitation  
9 enforcement agent is performing an assigned duty[.]; OR

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

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

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

21 S 240.33 AGGRAVATED HARASSMENT OF A SPORTS OFFICIAL.

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

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

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

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

31 S 3. This act shall take effect on the first of November next succeed-  
32 ing the date on which it shall have become a law.