

5014

2013-2014 Regular Sessions

I N A S S E M B L Y

February 14, 2013

Introduced by M. of A. CROUCH -- read once and referred to the Committee on Codes

AN ACT to amend the penal law and the education law, in relation to the use of electronic dart guns or electronic stun guns on school grounds by school safety agents

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

1 Section 1. Subdivision a of section 265.20 of the penal law is amended
2 by adding a new paragraph 17 to read as follows:

3 17. POSSESSION OR USE OF AN ELECTRONIC DART GUN OR ELECTRONIC STUN GUN
4 AS DEFINED IN SUBDIVISIONS FIFTEEN-A AND FIFTEEN-C OF SECTION 265.00 OF
5 THIS ARTICLE BY SCHOOL SAFETY AGENTS ON SCHOOL GROUNDS AS AUTHORIZED
6 UNDER SECTION TWENTY-EIGHT HUNDRED ONE-C OF THE EDUCATION LAW.

7 S 2. The education law is amended by adding a new section 2801-c to
8 read as follows:

9 S 2801-C. USE OF ELECTRONIC DART GUNS OR ELECTRONIC STUN GUNS ON
10 SCHOOL GROUNDS BY SCHOOL SAFETY AGENTS. 1. A. THE BOARD OF EDUCATION AND
11 THE TRUSTEES OR SOLE TRUSTEE OF EVERY SCHOOL DISTRICT MAY AUTHORIZE THE
12 PRINCIPAL OR THE PRINCIPAL'S OR SUPERINTENDENT'S DESIGNEE OR DESIGNEES
13 TO POSSESS AN ELECTRONIC DART GUN OR ELECTRONIC STUN GUN ON THE SCHOOL
14 GROUNDS OF EACH SCHOOL WITHIN THE SCHOOL DISTRICT. SUCH INDIVIDUAL SHALL
15 BE DESIGNATED A SCHOOL SAFETY AGENT.

16 B. AN INDIVIDUAL SHALL BE DESIGNATED A SCHOOL SAFETY AGENT ONLY IF (I)
17 HE OR SHE IS NOT PROHIBITED BY STATE OR FEDERAL LAW FROM POSSESSING A
18 FIREARM, RIFLE OR SHOTGUN; AND (II) HE OR SHE HAS SUCCESSFULLY COMPLETED
19 A COURSE OF TRAINING APPROVED BY THE SUPERINTENDENT OF STATE POLICE IN
20 THE USE OF DEADLY PHYSICAL FORCE AND THE USE OF ELECTRONIC DART GUNS OR
21 ELECTRONIC STUN GUNS.

22 C. THE BOARD OF EDUCATION AND THE TRUSTEES OR SOLE TRUSTEE OF EVERY
23 SCHOOL DISTRICT, IN CONSULTATION WITH THE SUPERINTENDENT OF THE STATE
24 POLICE, SHALL ADOPT A WRITTEN POLICY SPECIFYING THE MANNER IN WHICH THE

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

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1 ELECTRONIC DART GUNS OR ELECTRONIC STUN GUNS SHALL BE POSSESSED AND THE
2 CIRCUMSTANCES UNDER WHICH A DART GUN OR STUN GUN MAY BE USED.

3 D. EVERY SCHOOL DISTRICT SHALL REPORT TO THE SUPERINTENDENT OF STATE
4 POLICE, THE NAMES OF ALL SCHOOL EMPLOYEES WHO HAVE SATISFACTORILY
5 COMPLETED THE TRAINING REQUIREMENTS AND THE NAMES OF ALL PERSONS DESIG-
6 NATED AS SCHOOL SAFETY AGENTS. EVERY SCHOOL DISTRICT SHALL REPORT TO THE
7 SUPERINTENDENT OF STATE POLICE, THE NAMES OF ALL SCHOOL EMPLOYEES THAT
8 ARE NO LONGER DESIGNATED AS A SCHOOL SAFETY AGENT AND THE DATE WHEN SUCH
9 DESIGNATION WAS REMOVED.

10 E. NO PERSON SERVING AS A SCHOOL SAFETY AGENT SHALL BE LIABLE TO ANY
11 PERSON WHILE SERVING IN SUCH CAPACITY BASED ON HIS OR HER CONDUCT IN THE
12 EXECUTION OF SUCH POSITION UNLESS THE CONDUCT OF SUCH SCHOOL SAFETY
13 AGENT WITH RESPECT TO THE PERSON ASSERTING LIABILITY CONSTITUTED GROSS
14 NEGLIGENCE OR WAS INTENDED TO MALICIOUSLY CAUSE THE RESULTING HARM TO
15 THE PERSON ASSERTING LIABILITY.

16 2. FOR THE PURPOSES OF THIS SECTION:

17 A. THE TERM "SCHOOL SAFETY AGENT" SHALL MEAN THE PRINCIPAL OR THE
18 PRINCIPAL'S OR SUPERINTENDENT'S DESIGNEE OR DESIGNEES AUTHORIZED TO
19 POSSESS AN ELECTRONIC DART GUN OR ELECTRONIC STUN GUN ON SCHOOL GROUNDS
20 PURSUANT TO THIS SECTION.

21 B. THE TERM "ELECTRONIC DART GUN" SHALL HAVE THE SAME MEANING AS SET
22 FORTH IN SUBDIVISION FIFTEEN-A OF SECTION 265.00 OF THE PENAL LAW.

23 C. THE TERM "ELECTRONIC STUN GUN" SHALL HAVE THE SAME MEANING AS SET
24 FORTH IN SUBDIVISION FIFTEEN-C OF SECTION 265.00 OF THE PENAL LAW.

25 D. THE TERM "SCHOOL GROUNDS" SHALL MEAN IN, ON OR WITHIN ANY BUILDING,
26 STRUCTURE, ATHLETIC PLAYING FIELD, PLAYGROUND OR LAND CONTAINED WITHIN
27 THE REAL PROPERTY BOUNDARY LINE OF A PUBLIC ELEMENTARY, INTERMEDIATE,
28 JUNIOR HIGH, VOCATIONAL, OR HIGH SCHOOL.

29 S 3. This act shall take effect immediately.