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

5014--A

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 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 and school buses by school safety agents

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

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

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

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

S 2801-C. USE OF ELECTRONIC DART GUNS OR ELECTRONIC STUN GUNS ON SCHOOL GROUNDS OR SCHOOL BUSES BY SCHOOL SAFETY AGENTS. 1. A. THE BOARD OF EDUCATION, BOARD OF TRUSTEES, OR SOLE TRUSTEE OF ANY SCHOOL OR SCHOOL DISTRICT, WHETHER PUBLIC, PRIVATE, OR CHARTER, MAY AUTHORIZE THE PRINCIPAL OR THE PRINCIPAL'S OR SUPERINTENDENT'S DESIGNEE OR DESIGNEES TO POSSESS AN ELECTRONIC DART GUN OR ELECTRONIC STUN GUN ON THE SCHOOL GROUNDS OF EACH SCHOOL WITHIN THE SCHOOL DISTRICT OR ON ANY SCHOOL BUS BEING USED BY THE SCHOOL DISTRICT. SUCH INDIVIDUAL SHALL BE DESIGNATED A SCHOOL SAFETY AGENT.

B. AN INDIVIDUAL SHALL BE DESIGNATED A SCHOOL SAFETY AGENT ONLY IF (I) HE OR SHE IS NOT PROHIBITED BY STATE OR FEDERAL LAW FROM POSSESSING A FIREARM, RIFLE OR SHOTGUN; AND (II) HE OR SHE HAS SUCCESSFULLY COMPLETED A COURSE OF TRAINING APPROVED BY THE SUPERINTENDENT OF STATE POLICE IN

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

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THE USE OF DEADLY PHYSICAL FORCE AND THE USE OF ELECTRONIC DART GUNS OR ELECTRONIC STUN GUNS.

C. THE BOARD OF EDUCATION, BOARD OF TRUSTEES, OR SOLE TRUSTEE OF ANY SCHOOL OR SCHOOL DISTRICT, IN CONSULTATION WITH THE SUPERINTENDENT OF THE STATE POLICE, SHALL ADOPT A WRITTEN POLICY SPECIFYING THE MANNER IN WHICH THE ELECTRONIC DART GUNS OR ELECTRONIC STUN GUNS SHALL BE POSSESSED AND THE CIRCUMSTANCES UNDER WHICH A DART GUN OR STUN GUN MAY BE USED.

D. EVERY SCHOOL OR SCHOOL DISTRICT SHALL REPORT TO THE SUPERINTENDENT OF STATE POLICE, THE NAMES OF ALL SCHOOL EMPLOYEES WHO HAVE SATISFACTORILY COMPLETED THE TRAINING REQUIREMENTS AND THE NAMES OF ALL PERSONS DESIGNATED AS SCHOOL SAFETY AGENTS. EVERY SCHOOL OR SCHOOL DISTRICT SHALL REPORT TO THE SUPERINTENDENT OF STATE POLICE, THE NAMES OF ALL SCHOOL EMPLOYEES THAT ARE NO LONGER DESIGNATED AS A SCHOOL SAFETY AGENT AND THE DATE WHEN SUCH DESIGNATION WAS REMOVED.

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

2. FOR THE PURPOSES OF THIS SECTION:

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

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

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

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

E. THE TERM "SCHOOL BUS" SHALL HAVE THE SAME MEANING AS SET FORTH IN SECTION ONE HUNDRED FORTY-TWO OF THE VEHICLE AND TRAFFIC LAW.

S 3. This act shall take effect immediately.