

2262

2015-2016 Regular Sessions

I N A S S E M B L Y

January 15, 2015

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
and school buses by school safety agents

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-
BLY, 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 OR SCHOOL BUSES
6 AS AUTHORIZED UNDER SECTION TWENTY-EIGHT HUNDRED ONE-C OF THE EDUCATION
7 LAW.
8 S 2. The education law is amended by adding a new section 2801-c to
9 read as follows:
10 S 2801-C. USE OF ELECTRONIC DART GUNS OR ELECTRONIC STUN GUNS ON
11 SCHOOL GROUNDS OR SCHOOL BUSES BY SCHOOL SAFETY AGENTS. 1. A. THE BOARD
12 OF EDUCATION, BOARD OF TRUSTEES, OR SOLE TRUSTEE OF ANY SCHOOL OR SCHOOL
13 DISTRICT, WHETHER PUBLIC, PRIVATE, OR CHARTER, MAY AUTHORIZE THE PRINCI-
14 PAL OR THE PRINCIPAL'S OR SUPERINTENDENT'S DESIGNEE OR DESIGNEES TO
15 POSSESS AN ELECTRONIC DART GUN OR ELECTRONIC STUN GUN ON THE SCHOOL
16 GROUNDS OF EACH SCHOOL WITHIN THE SCHOOL DISTRICT OR ON ANY SCHOOL BUS
17 BEING USED BY THE SCHOOL DISTRICT. SUCH INDIVIDUAL SHALL BE DESIGNATED A
18 SCHOOL SAFETY AGENT.
19 B. AN INDIVIDUAL SHALL BE DESIGNATED A SCHOOL SAFETY AGENT ONLY IF (I)
20 HE OR SHE IS NOT PROHIBITED BY STATE OR FEDERAL LAW FROM POSSESSING A
21 FIREARM, RIFLE OR SHOTGUN; AND (II) HE OR SHE HAS SUCCESSFULLY COMPLETED
22 A COURSE OF TRAINING APPROVED BY THE SUPERINTENDENT OF STATE POLICE IN
23 THE USE OF DEADLY PHYSICAL FORCE AND THE USE OF ELECTRONIC DART GUNS OR
24 ELECTRONIC STUN GUNS.

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

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

7 D. EVERY SCHOOL OR SCHOOL DISTRICT SHALL REPORT TO THE SUPERINTENDENT
8 OF STATE POLICE, THE NAMES OF ALL SCHOOL EMPLOYEES WHO HAVE SATISFAC-
9 TORILY COMPLETED THE TRAINING REQUIREMENTS AND THE NAMES OF ALL PERSONS
10 DESIGNATED AS SCHOOL SAFETY AGENTS. EVERY SCHOOL OR SCHOOL DISTRICT
11 SHALL REPORT TO THE SUPERINTENDENT OF STATE POLICE, THE NAMES OF ALL
12 SCHOOL EMPLOYEES THAT ARE NO LONGER DESIGNATED AS A SCHOOL SAFETY AGENT
13 AND THE DATE WHEN SUCH DESIGNATION WAS REMOVED.

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

20 2. FOR THE PURPOSES OF THIS SECTION:

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

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

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

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

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

35 S 3. This act shall take effect immediately.