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

2138--A

2015-2016 Regular Sessions

I N S E N A T E

January 21, 2015

Introduced by Sens. FLANAGAN, AVELLA, BOYLE, DeFRANCISCO, MARCHIONE, MARTINS -- read twice and ordered printed, and when printed to be committed 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, in relation to establishing the crimes of criminal trespass on school grounds or children's camp and criminal trespass on a school bus in the first and second degrees

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

Section 1. The penal law is amended by adding a new section 140.09 to read as follows:

S 140.09 CRIMINAL TRESPASS ON SCHOOL GROUNDS OR CHILDREN'S CAMP.

A PERSON IS GUILTY OF CRIMINAL TRESPASS ON SCHOOL GROUNDS OR CHILDREN'S CAMP WHEN HE OR SHE COMMITS THE CRIME OF CRIMINAL TRESPASS IN THE FIRST DEGREE PURSUANT TO SECTION 140.17 OF THIS ARTICLE AND SUCH BUILDING OR GROUNDS IS UTILIZED AS AN ELEMENTARY OR SECONDARY SCHOOL OR A CHILDREN'S OVERNIGHT CAMP OR A SUMMER DAY CAMP AS DEFINED IN SECTION THIRTEEN HUNDRED NINETY-TWO OF THE PUBLIC HEALTH LAW IN VIOLATION OF CONSPICUOUSLY POSTED RULES OR REGULATIONS GOVERNING ENTRY AND USE THEREOF.

CRIMINAL TRESPASS ON SCHOOL GROUNDS OR CHILDREN'S CAMP IS A CLASS C FELONY.

S 2. The penal law is amended by adding a new section 140.18 to read as follows:

S 140.18 CRIMINAL TRESPASS ON A SCHOOL BUS IN THE SECOND DEGREE.

1. A PERSON IS GUILTY OF CRIMINAL TRESPASS ON A SCHOOL BUS IN THE SECOND DEGREE WHEN HE OR SHE:

(A) WILLFULLY DEMOLISHES, DESTROYS, DEFACES, INJURES, BURNS, OR DAMAGES ANY PUBLIC SCHOOL BUS.

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

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(B) ENTERS A PUBLIC SCHOOL BUS WHILE THE DOOR IS OPEN TO LOAD OR UNLOAD STUDENTS, WHILE AT A RAILROAD GRADE CROSSING, OR AFTER BEING FORBIDDEN FROM DOING SO BY THE AUTHORIZED SCHOOL BUS DRIVER IN CHARGE OF THE BUS, OR UPON DEMAND OF A PRINCIPAL OF A SCHOOL TO WHICH THE BUS IS ASSIGNED OR OTHER DULY AUTHORIZED SCHOOL SYSTEM OFFICIAL.

(C) AS AN OCCUPANT OF A PUBLIC SCHOOL BUS, REFUSES TO LEAVE THE BUS ON DEMAND OF THE AUTHORIZED SCHOOL BUS DRIVER IN CHARGE OF THE BUS, OR UPON DEMAND OF A PRINCIPAL OF A SCHOOL TO WHICH THE BUS IS ASSIGNED OR OTHER DULY AUTHORIZED SCHOOL SYSTEM OFFICIAL.

(D) WILLFULLY STOPS, IMPEDES, DELAYS, OR DETAINS ANY PUBLIC SCHOOL BUS BEING OPERATED FOR PUBLIC SCHOOL PURPOSES.

2. PARAGRAPHS (B), (C), AND (D) OF SUBDIVISION ONE OF THIS SECTION SHALL NOT APPLY TO A CHILD WHO IS LESS THAN SIXTEEN YEARS OF AGE OR TO AUTHORIZED SCHOOL PERSONNEL WHO ARE BOARDING THE SCHOOL BUS AS PART OF THEIR JOB ASSIGNMENT.

CRIMINAL TRESPASS ON A SCHOOL BUS IN THE SECOND DEGREE IS A CLASS A MISDEMEANOR.

S 3. The penal law is amended by adding a new section 140.19 to read as follows:

S 140.19 CRIMINAL TRESPASS ON A SCHOOL BUS IN THE FIRST DEGREE.

A PERSON IS GUILTY OF CRIMINAL TRESPASS ON A SCHOOL BUS IN THE FIRST DEGREE WHEN HE OR SHE COMMITS THE CRIME OF CRIMINAL TRESPASS ON A SCHOOL BUS IN THE SECOND DEGREE PURSUANT TO SECTION 140.18 OF THIS ARTICLE AND WHEN, IN THE COURSE OF COMMITTING SUCH CRIME, HE OR SHE:

1. POSSESSES, OR KNOWS THAT ANOTHER PARTICIPANT IN THE CRIME POSSESSES, AN EXPLOSIVE OR A DEADLY WEAPON; OR

2. POSSESSES A FIREARM, RIFLE OR SHOTGUN, AS THOSE TERMS ARE DEFINED IN SECTION 265.00 OF THIS PART, AND ALSO POSSESSES OR HAS READILY ACCESSIBLE A QUANTITY OF AMMUNITION WHICH IS CAPABLE OF BEING DISCHARGED FROM SUCH FIREARM, RIFLE OR SHOTGUN; OR

3. KNOWS THAT ANOTHER PARTICIPANT IN THE CRIME POSSESSES A FIREARM, RIFLE OR SHOTGUN UNDER CIRCUMSTANCES DESCRIBED IN SUBDIVISION TWO OF THIS SECTION.

CRIMINAL TRESPASS ON A SCHOOL BUS IN THE FIRST DEGREE IS A CLASS C FELONY.

S 4. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.