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

2650--A

2015-2016 Regular Sessions

I N S E N A T E

January 27, 2015

Introduced by Sen. PANEPINTO -- read twice and ordered printed, and when printed to be committed to the Committee on Codes -- recommitted to the Committee on Codes in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the penal law, in relation to the assault on youth sports officials

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

Section 1. Subdivisions 10, 11 and 12 of section 120.05 of the penal law, subdivision 10 as added by chapter 181 of the laws of 2000, subdivision 11 as separately amended by chapters 472 and 487 of the laws of 2015 and subdivision 12 as added by chapter 68 of the laws of 2008, are amended and a new subdivision 14 is added to read as follows:

10. Acting at a place the person knows, or reasonably should know, is on school grounds and with intent to cause physical injury, he or she:

(a) causes such injury to an employee of a school or public school district; or

(b) not being a student of such school or public school district, causes physical injury to another, and such other person is a student of such school who is attending or present for educational purposes. For purposes of this subdivision the term "school grounds" shall have the meaning set forth in subdivision fourteen of section 220.00 of this chapter[.]; OR

11. With intent to cause physical injury to a train operator, ticket inspector, conductor, signalperson, bus operator or station agent employed by any transit agency, authority or company, public or private, whose operation is authorized by New York state or any of its political subdivisions, a city marshal, a school crossing guard appointed pursuant to section two hundred eight-a of the general municipal law, a traffic enforcement officer, traffic enforcement agent, prosecutor as defined in

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

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subdivision thirty-one of section 1.20 of the criminal procedure law, sanitation enforcement agent, New York city sanitation worker, [public health sanitarian, New York city public health sanitarian,] registered nurse[,] OR licensed practical nurse[, emergency medical service paramedic, or emergency medical service technician,] he or she causes physical injury to such train operator, ticket inspector, conductor, signalperson, bus operator or station agent, city marshal, school crossing guard appointed pursuant to section two hundred eight-a of the general municipal law, traffic enforcement officer, traffic enforcement agent, prosecutor as defined in subdivision thirty-one of section 1.20 of the criminal procedure law, registered nurse, licensed practical nurse, [public health sanitarian, New York city public health sanitarian,] sanitation enforcement agent[,] OR New York city sanitation worker, [emergency medical service paramedic, or emergency medical service technician,] while such employee is performing an assigned duty on, or directly related to, the operation of a train or bus, or such city marshal, school crossing guard, traffic enforcement officer, traffic enforcement agent, prosecutor as defined in subdivision thirty-one of section 1.20 of the criminal procedure law, registered nurse, licensed practical nurse, [public health sanitarian, New York city public health sanitarian,] sanitation enforcement agent[,] OR New York city sanitation worker, [emergency medical service paramedic, or emergency medical service technician] is performing an assigned duty[.]; OR

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

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

S 2. Section 180.35 of the penal law is amended by adding a new subdivision 3-a to read as follows:

3-A. "YOUTH SPORTS OFFICIAL" MEANS ANY PERSON WHO ACTS IN A SPORTS CONTEST AS AN UMPIRE, REFEREE, JUDGE OR OTHERWISE OFFICIATES AT A YOUTH SPORTS CONTEST FOR ELEMENTARY, MIDDLE OR SECONDARY AGE SCHOOL PARTICIPANTS.

S 3. The penal law is amended by adding a new section 240.33 to read as follows:

S 240.33 AGGRAVATED HARASSMENT OF A YOUTH SPORTS OFFICIAL.

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

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

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

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

S 4. This act shall take effect on the first of November next succeeding the date on which it shall have become a law; provided that the amendments to subdivision 11 of section 120.05 of the penal law, made by section one of this act, shall take effect on the same date and in the same manner as chapter 472 of the laws of 2015, takes effect.