

8015

2015-2016 Regular Sessions

I N A S S E M B L Y

June 4, 2015

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

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:

1 Section 1. Subdivisions 10, 11 and 12 of section 120.05 of the penal
2 law, subdivision 10 as added by chapter 181 of the laws of 2000, subdi-
3 vision 11 as amended by chapter 196 of the laws of 2014 and subdivision
4 12 as added by chapter 68 of the laws of 2008, are amended and a new
5 subdivision 13 is added to read as follows:
6 10. Acting at a place the person knows, or reasonably should know, is
7 on school grounds and with intent to cause physical injury, he or she:
8 (a) causes such injury to an employee of a school or public school
9 district; or
10 (b) not being a student of such school or public school district,
11 causes physical injury to another, and such other person is a student of
12 such school who is attending or present for educational purposes. For
13 purposes of this subdivision the term "school grounds" shall have the
14 meaning set forth in subdivision fourteen of section 220.00 of this
15 chapter[.]; OR
16 11. With intent to cause physical injury to a train operator, ticket
17 inspector, conductor, signalperson, bus operator or station agent
18 employed by any transit agency, authority or company, public or private,
19 whose operation is authorized by New York state or any of its political
20 subdivisions, a city marshal, a school crossing guard appointed pursuant
21 to section two hundred eight-a of the general municipal law, a traffic
22 enforcement officer, traffic enforcement agent, prosecutor as defined in
23 subdivision thirty-one of section 1.20 of the criminal procedure law,
24 sanitation enforcement agent, New York city sanitation worker, regis-
25 tered nurse or licensed practical nurse he or she causes physical injury

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

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1 to such train operator, ticket inspector, conductor, signalperson, bus
2 operator or station agent, city marshal, school crossing guard appointed
3 pursuant to section two hundred eight-a of the general municipal law,
4 traffic enforcement officer, traffic enforcement agent, prosecutor as
5 defined in subdivision thirty-one of section 1.20 of the criminal proce-
6 dure law, registered nurse, licensed practical nurse, sanitation
7 enforcement agent or New York city sanitation worker, while such employ-
8 ee is performing an assigned duty on, or directly related to, the opera-
9 tion of a train or bus, or such city marshal, school crossing guard,
10 traffic enforcement officer, traffic enforcement agent, prosecutor as
11 defined in subdivision thirty-one of section 1.20 of the criminal proce-
12 dure law, registered nurse, licensed practical nurse, sanitation
13 enforcement agent or New York city sanitation worker, is performing an
14 assigned duty[.]; OR

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

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

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

26 3-A. "YOUTH SPORTS OFFICIAL" MEANS ANY PERSON WHO ACTS IN A SPORTS
27 CONTEST AS AN UMPIRE, REFEREE, JUDGE OR OTHERWISE OFFICIATES AT A YOUTH
28 SPORTS CONTEST FOR ELEMENTARY, MIDDLE OR SECONDARY AGE SCHOOL PARTIC-
29 IPANTS.

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

32 S 240.33 AGGRAVATED HARASSMENT OF A YOUTH SPORTS OFFICIAL.

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

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

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

41 AGGRAVATED HARASSMENT OF A YOUTH SPORTS OFFICIAL IS A CLASS B MISDE-
42 MEANOR.

43 S 4. This act shall take effect on the first of November next succeed-
44 ing the date on which it shall have become a law.