

STATE OF NEW YORK

2495

2019-2020 Regular Sessions

IN ASSEMBLY

January 23, 2019

Introduced by M. of A. CROUCH, MORINELLO -- 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 Assembly, 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 § 2. The education law is amended by adding a new section 2801-c to
9 read as follows:

10 § 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 commissioner of the division of
23 criminal justice services in the use of deadly physical force and the
24 use of electronic dart guns or 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 commissioner of the
3 division of criminal justice services, shall adopt a written policy
4 specifying the manner in which the electronic dart guns or electronic
5 stun guns shall be possessed and the circumstances under which a dart
6 gun or stun gun may be used.

7 d. Every school or school district shall report to the commissioner of
8 the division of criminal justice services, the names of all school
9 employees who have satisfactorily completed the training requirements
10 and the names of all persons designated as school safety agents. Every
11 school or school district shall report to the commissioner of the divi-
12 sion of criminal justice services, the names of all school employees
13 that are no longer designated as a school safety agent and the date when
14 such designation was removed.

15 e. No person serving as a school safety agent shall be liable to any
16 person while serving in such capacity based on his or her conduct in the
17 execution of such position unless the conduct of such school safety
18 agent with respect to the person asserting liability constituted gross
19 negligence or was intended to maliciously cause the resulting harm to
20 the person asserting liability.

21 2. For the purposes of this section:

22 a. the term "school safety agent" shall mean the principal or the
23 principal's or superintendent's designee or designees authorized to
24 possess an electronic dart gun or electronic stun gun on school grounds
25 or on a school bus pursuant to this section.

26 b. the term "electronic dart gun" shall have the same meaning as set
27 forth in subdivision fifteen-a of section 265.00 of the penal law.

28 c. the term "electronic stun gun" shall have the same meaning as set
29 forth in subdivision fifteen-c of section 265.00 of the penal law.

30 d. the term "school grounds" shall mean in, on or within any building,
31 structure, athletic playing field, playground or land contained within
32 the real property boundary line of any elementary, intermediate, junior
33 high, vocational, or high school, whether public, private, or charter.

34 e. the term "school bus" shall have the same meaning as set forth in
35 section one hundred forty-two of the vehicle and traffic law.

36 § 3. This act shall take effect immediately.