STATE OF NEW YORK

6762

2019-2020 Regular Sessions

IN SENATE

October 2, 2019

Introduced by Sen. GALLIVAN -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

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

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision 14 of section 120.05 of the penal law, as added by chapter 268 of the laws of 2016, is amended and a new subdivision 15 is added to read as follows:

14. With intent to prevent or obstruct a process server, as defined in section eighty-nine-t of the general business law, from performing a lawful duty pursuant to article three of the civil practice law and rules, or intentionally, as retaliation against such a process server for the performance of the process server's duties pursuant to such article, including by means of releasing or failing to control an animal evincing the actor's intent that the animal prevent or obstruct the lawful duty of the process server or as retaliation against the process server, he or she causes physical injury to such process server[.]**; or**

15. With intent to cause physical injury to a sports official, which shall include umpires, referees, judges, linesmen, coaches, assistant coaches, and any other person participating in an official or substitute capacity at a sports contest, he or she causes such injury to such sports official in or on or within any building, structure, athletic playing field or playground at which the sports contest including pre-game and post-game activities are conducted; including any and all surrounding parking facilities or areas designated for parking for such sports contests.

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

§ 240.33 Aggravated harassment of a sports official.

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

LBD13870-04-9

A person is guilty of aggravated harassment of a sports official when, with intent to harass, annoy, threaten or alarm a sports official, which shall include umpires, referees, judges, linesmen, coaches, assistant coaches, and any other person participating in an official or substitute capacity at a sports contest, he or she:

1. Strikes, shoves, kicks or otherwise subjects such sports official to physical contact, or attempts to threaten to do the same;

2. Causes or attempts to cause such sports official to come into contact with saliva by expelling such fluid at a sports contest; or

3. Communicates a threat to cause physical harm to, or unlawful harm to the property of a sports official, and the person knows or reasonably should know that such communication will cause such sports official to reasonably fear harm to such official's physical safety or property.

Aggravated harassment of a sports official is a class B misdemeanor.

§ 3. The education department of the state of New York shall establish an information campaign to be distributed to all youth sports programs, school sports programs, amateur sports programs, and intercollegiate sports programs, requiring such programs to disseminate information to parents and other spectators of such programs on the protections afforded sports officials. In particular, the information campaign shall instruct spectators of such sports programs on the appropriate behavior to exhibit when observing such applicable sports events and that harassing or assaulting a sports official due to a decision made by such official may result in the filing of criminal charges against such spectator. Such sports programs must provide the information prepared by such department pursuant to this section to parents and other prospective spectators at the start of each sports season. Such information may be disseminated via a school's website or if available, a website dedicated to a youth or other sports program.

§ 4. This act shall take effect on the one hundred twentieth day after it shall have become a law.