

# 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:

Section 1. Subdivision a of section 265.20 of the penal law is amended by adding a new paragraph 17 to read as follows:

17. Possession or use of an electronic dart gun or electronic stun gun as defined in subdivisions fifteen-a and fifteen-c of section 265.00 of this article by school safety agents on school grounds or school buses as authorized under section twenty-eight hundred one-c of the education law.

§ 2. The education law is amended by adding a new section 2801-c to read as follows:

§ 2801-c. Use of electronic dart guns or electronic stun guns on school grounds or school buses by school safety agents. 1. a. The board of education, board of trustees, or sole trustee of any school or school district, whether public, private, or charter, may authorize the principal or the principal's or superintendent's designee or designees to possess an electronic dart gun or electronic stun gun on the school grounds of each school within the school district or on any school bus being used by the school district. Such individual shall be designated a school safety agent.

b. An individual shall be designated a school safety agent only if (i) he or she is not prohibited by state or federal law from possessing a firearm, rifle or shotgun; and (ii) he or she has successfully completed a course of training approved by the commissioner of the division of criminal justice services in the use of deadly physical force and the 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.