STATE OF NEW YORK

2064

2021-2022 Regular Sessions

IN SENATE

January 19, 2021

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

AN ACT to amend the penal law, in relation to establishing the crimes of criminal trespass on a school bus in the first and second degrees

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

Section 1. The penal law is amended by adding two new sections 140.18 and 140.19 to read as follows:

§ 140.18 Criminal trespass on a school bus in the second degree.

1. A person is guilty of criminal trespass on a school bus in the second degree when he or she:

(a) Willfully demolishes, destroys, defaces, injures, burns or damages any public school bus.

(b) Enters a public school bus while the door is open without permission or invitation to load or unload students, while at a railroad grade crossing, or after being forbidden from doing so by the authorized school bus driver in charge of the bus, or upon demand of a principal of a school to which the bus is assigned or other duly authorized school system official.

(c) As an occupant of a public school bus, refuses to leave the bus on demand of the authorized school bus driver in charge of the bus, or upon demand of a principal of a school to which the bus is assigned or other duly authorized school system official.

(d) Willfully stops, impedes, delays, or detains any public school bus being operated for public school purposes.

2. Paragraphs (b), (c), and (d) of subdivision one of this section shall not apply to a child who is less than sixteen years of age or to authorized school personnel who are boarding the school bus as part of their job assignment.

Criminal trespass on a school bus in the second degree is a class A misdemeanor.

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

LBD00812-01-1

§ 140.19 Criminal trespass on a school bus in the first degree.

A person is guilty of criminal trespass on a school bus in the first degree when he or she commits the crime of criminal trespass on a school bus in the second degree pursuant to section 140.18 of this article and when, in the course of committing such crime, he or she:

1. Possesses, or knows that another participant in the crime possesses, an explosive or a deadly weapon; or

2. Possesses a firearm, rifle or shotgun, as those terms are defined in section 265.00 of this part, and also possesses or has readily accessible a quantity of ammunition which is capable of being discharged from such firearm, rifle or shotgun; or

3. Knows that another participant in the crime possesses a firearm, rifle or shotgun under circumstances described in subdivision two of this section.

Criminal trespass on a school bus in the first degree is a class C felony.

§ 2. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.