

# STATE OF NEW YORK

2639

2021-2022 Regular Sessions

## IN SENATE

January 22, 2021

Introduced by Sen. GALLIVAN -- 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 the assault on sports officials

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

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

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

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

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

24 § 240.33 Aggravated harassment of a sports official.

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

LBD04187-01-1

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

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

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

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

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

15 § 3. The education department of the state of New York shall establish  
16 an information campaign to be distributed to all youth sports programs,  
17 school sports programs, amateur sports programs, and intercollegiate  
18 sports programs, requiring such programs to disseminate information to  
19 parents and other spectators of such programs on the protections  
20 afforded sports officials. In particular, the information campaign shall  
21 instruct spectators of such sports programs on the appropriate behavior  
22 to exhibit when observing such applicable sports events and that harass-  
23 ing or assaulting a sports official due to a decision made by such offi-  
24 cial may result in the filing of criminal charges against such specta-  
25 tor. Such sports programs must provide the information prepared by such  
26 department pursuant to this section to parents and other prospective  
27 spectators at the start of each sports season. Such information may be  
28 disseminated via a school's website or if available, a website dedicated  
29 to a youth or other sports program.

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