

# STATE OF NEW YORK

696

2021-2022 Regular Sessions

## IN SENATE

(Prefiled)

January 6, 2021

Introduced by Sen. KAPLAN -- 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 school grounds or children's camp and criminal trespass on a school bus in the first and second degrees; to amend the vehicle and traffic law, in relation to certain signage on school buses; and to amend the education law, in relation to professional development school bus driver safety training seminars

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

1 Section 1. The penal law is amended by adding a new section 140.09 to  
2 read as follows:

3 § 140.09 Criminal trespass on school grounds or children's camp.

4 A person is guilty of criminal trespass on school grounds or chil-  
5 dren's camp when he or she commits the crime of criminal trespass in the  
6 first degree pursuant to section 140.17 of this article and such build-  
7 ing or grounds is utilized as an elementary or secondary school or a  
8 children's overnight camp or a summer day camp as defined in section  
9 thirteen hundred ninety-two of the public health law in violation of  
10 conspicuously posted rules or regulations governing entry and use there-  
11 of.

12 Criminal trespass on school grounds or children's camp is a class C  
13 felony.

14 § 2. The penal law is amended by adding a new section 140.18 to read  
15 as follows:

16 § 140.18 Criminal trespass on a school bus in the second degree.

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

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

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

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1 (b) Enters a public school bus while the door is open to load or  
2 unload students, while at a railroad grade crossing, or after being  
3 forbidden from doing so by the authorized school bus driver in charge of  
4 the bus, or upon demand of a principal of a school to which the bus is  
5 assigned or other duly authorized school system official.

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

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

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

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

18 § 3. The penal law is amended by adding a new section 140.19 to read  
19 as follows:

20 § 140.19 Criminal trespass on a school bus in the first degree.

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

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

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

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

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

36 § 4. Section 375 of the vehicle and traffic law is amended by adding a  
37 new subdivision 21-j to read as follows:

38 21-j. The commissioner shall, in consultation with the commissioner of  
39 transportation, promulgate rules and regulations for signage on school  
40 buses advising that individuals may not enter the school bus unless  
41 authorized by the school bus driver who is in charge of the bus and that  
42 failure to comply may be subject to criminal charges.

43 § 5. Paragraph c of subdivision 1 of section 3650 of the education  
44 law, as amended by chapter 181 of the laws of 2007, is amended to read  
45 as follows:

46 c. Develop and conduct professional development school bus driver  
47 safety training seminars statewide, which shall include but not be  
48 limited to training related to techniques for managing violent inci-  
49 dents, intrusions and active shooters on school buses.

50 § 6. This act shall take effect on the first of November next succeed-  
51 ing the date on which it shall have become a law.