

STATE OF NEW YORK

234

2023-2024 Regular Sessions

IN SENATE

(Prefiled)

January 4, 2023

Introduced by Sens. GALLIVAN, BORRELLO, HELMING, OBERACKER, TEDISCO --
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 Assem-
bly, 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:

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

LBD00107-01-3

1 § 240.33 Aggravated harassment of a sports official.

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

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

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

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

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

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

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