

# STATE OF NEW YORK

5429

2023-2024 Regular Sessions

## IN SENATE

March 3, 2023

Introduced by Sen. MATTERA -- 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:

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

3 § 140.18 Criminal trespass on a school bus in the second degree.

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

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

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

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

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

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

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

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

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1 § 140.19 Criminal trespass on a school bus in the first degree.

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

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

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

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

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

17 § 2. This act shall take effect on the first of November next succeed-  
18 ing the date on which it shall have become a law.