STATE OF NEW YORK

8993

2025-2026 Regular Sessions

IN ASSEMBLY

August 13, 2025

Introduced by M. of A. K. BROWN -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to increasing penalties for assaulting, stalking, or harassing an elected official

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

Section 1. Section 120.09 of the penal law, as amended by section 3 of part F of chapter 55 of the laws of 2024, is amended to read as follows:

§ 120.09 Assault on a judge **or elected official**.

A person is guilty of assault on a judge **or elected official** when[~~,~~ ~~with~~]**:**

1. With intent to prevent a judge from performing official judicial duties, such person causes serious physical injury to such judge. For the purposes of this [~~section~~] **subdivision**, the term [~~judge~~] **"judge"** shall mean a judge of a court of record or a justice court**; or**

2. With intent to prevent an elected official from performing official duties, such person causes serious physical injury to such elected official. For the purposes of this subdivision, the term "elected official" shall mean an elected official of the state of New York or of any county, city, town, village, or other political subdivision thereof, including, but not limited to, anyone elected to a town board, library board, or school board.

Assault on a judge **or elected official** is a class C felony.

§ 2. Section 120.09-a of the penal law, as added by section 4 of part F of chapter 55 of the laws of 2024, is amended to read as follows:

§ 120.09-a Aggravated assault on a judge **or elected official**.

A person is guilty of aggravated assault on a judge **or elected official** when[~~, with~~]**:**

1. With intent to cause serious physical injury and prevent a judge from performing official judicial duties, such person causes serious physical injury to such judge. For the purposes of this [~~section~~] **subdi-**

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

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vision, the term [~~judge~~] "judge" shall mean a judge of a court of record or a justice court; or

2. With intent to cause serious physical injury and prevent an elected official from performing official duties, such person causes serious physical injury to such elected official. For the purposes of this subdivision, the term "elected official" shall mean an elected official of the state of New York or of any county, city, town, village, or other political subdivision thereof, including, but not limited to, anyone elected to a town board, library board, or school board.

Aggravated assault on a judge or elected official is a class B felony.

§ 3. The penal law is amended by adding a new section 120.59 to read as follows:

§ 120.59 Stalking a judge or elected official.

A person is guilty of stalking a judge or elected official when they commit the crime of stalking in the third degree as defined in subdivision three of section 120.50 or stalking in the second degree as defined in section 120.55 of this article and the victim of such crime is a judge or elected official or a member of such judge's or elected official's immediate family. Nothing in this section shall restrict communication with an elected official regarding their capacity as a public servant.

For the purposes of this section, the term "judge" shall mean a judge of a court of record or a justice court. For the purposes of this section, the term "elected official" shall mean an elected official of the state of New York or of any city, county, town, village or other political subdivision thereof, including, but not limited to, anyone elected to a town board, library board, or school board.

Stalking a judge or elected official is a class D felony.

§ 4. Section 240.33 of the penal law, as added by section 5 of part F of chapter 55 of the laws of 2024, is amended to read as follows:

§ 240.33 Aggravated harassment of a judge or elected official.

A person is guilty of aggravated harassment of a judge or elected official when:

1. With intent to harass another person, the actor either:

(a) communicates, anonymously or otherwise, by telephone, by computer or any other electronic means, or by mail, or by transmitting or delivering any other form of communication, a threat to cause physical harm to, or unlawful harm to the property of, a person the actor knows or reasonably should know is a judge or elected official, or a member of such judge's or elected official's immediate family, and the actor knows or reasonably should know that such communication will cause such judge or elected official to reasonably fear harm to such judge's physical safety or property, or to the physical safety or property of a member of such judge's or elected official's immediate family; or

(b) causes a communication to be initiated anonymously or otherwise, by telephone, by computer or any other electronic means, or by mail, or by transmitting or delivering any other form of communication, a threat to cause physical harm to, or unlawful harm to the property of, a person the actor knows or reasonably should know is a judge or elected official, or a member of such judge's or elected official's immediate family, and the actor knows or reasonably should know that such communication will cause such judge or elected official to reasonably fear harm to such person's physical safety or property, or to the physical safety or property of a member of such judge's or elected official's immediate family; or

2. With intent to harass or threaten a person the actor knows or reasonably should know is a judge **or elected official** or a member of such judge's **or elected official's** immediate family, the actor makes a telephone call, whether or not a conversation ensues, with no purpose of legitimate communication; or

3. With the intent to harass, annoy, threaten or alarm a person the actor knows or reasonably should know is a judge **or elected official** or a member of such judge's **or elected official's** immediate family, the actor strikes, shoves, kicks, or otherwise subjects another person to physical contact, or attempts or threatens to do the same because of a belief or perception regarding such person's race, color, national origin, ancestry, gender, gender identity or expression, religion, religious practice, age, disability or sexual orientation, regardless of whether the belief or perception is correct; or

4. With the intent to harass, annoy, threaten or alarm a person the actor knows or reasonably should know is a judge **or elected official** or a member of such judge's **or elected official's** immediate family, the actor strikes, shoves, kicks or otherwise subjects another person to physical contact thereby causing physical injury to such person or to an immediate family member of such person; or

5. **With the intent to harass, annoy, threaten or alarm a person the actor knows or reasonably should know is a judge or elected official or a member of such judge's or elected official's immediate family, the actor commits the crime of criminal trespass in the third degree as defined by section 140.10 of this chapter against a person the actor knows or reasonably should know is a judge or elected official or a member of such judge's or elected official's immediate family; or**

6. The actor commits the crime of harassment in the first degree against a person the actor knows or reasonably should know is a judge **or elected official** or a member of such judge's **or elected official's** immediate family and has previously been convicted of the crime of harassment in the first degree as defined by section 240.25 of this article within the preceding ten years.

For purposes of this section:

(a) "judge" shall mean a judge of a court of record or a justice court[~~; and~~]**.**

(b) "immediate family" shall have the same meaning as defined in section 120.40 of this chapter.

(c) "elected official" shall mean an elected official of the state of New York or of any county, city, town, village, or other political subdivision thereof, including, but not limited to, anyone elected to a town board, library board, or school board.

Aggravated harassment of a judge **or elected official** is a class E felony.

§ 5. This act shall take effect on the ninetieth day after it shall have become a law.