

STATE OF NEW YORK

7482--B

2025-2026 Regular Sessions

IN SENATE

April 17, 2025

Introduced by Sen. STAVISKY -- read twice and ordered printed, and when printed to be committed to the Committee on Racing, Gaming and Wagering -- recommitted to the Committee on Racing, Gaming and Wagering in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the racing, pari-mutuel wagering and breeding law, in relation to designating an individual who has been convicted of certain crimes against athletes, coaches, officials, or participants of a sports event as a prohibited sports bettor

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

1 Section 1. Subparagraphs (ix) and (x) of paragraph (r) of subdivision
2 1 of section 1367 of the racing, pari-mutuel wagering and breeding law,
3 as amended by section 3 of part Y of chapter 59 of the laws of 2021, are
4 amended and a new subparagraph (xi) is added to read as follows:

5 (ix) any individual placing a wager as an agent or proxy for another
6 person known to be a prohibited sports bettor; ~~or~~

7 (x) any minor~~[-]~~; or

8 (xi) any individual who, on or after the effective date of this
9 subparagraph, has (A) been convicted, in this state, of an offense
10 defined in section 120.13, 120.14, 120.15, 120.45, 120.50, 120.55,
11 120.60, 240.25, 240.30 or 240.31 of the penal law, or a substantially
12 similar offense in another jurisdiction, where the complainant or victim
13 is an amateur or professional athlete, coach, official or other partic-
14 ipant in a sports event and the conduct underlying such offense arose
15 from or related to a sports wager or such sporting event; (B) been
16 found, in a final order of protection or equivalent final civil
17 protection order issued by a court of competent jurisdiction, to have
18 committed conduct that would constitute an offense defined in the

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

LBD11372-12-6

1 sections enumerated in clause (A) of this subparagraph if prosecuted in
2 this state, where the protected party is such an athlete, coach, offi-
3 cial or participant and the conduct arose from or related to a sports
4 wager or such sporting event; or (C) been convicted, in this state or
5 any other jurisdiction, of, or found in a final order of protection or
6 equivalent final civil protection order to have committed, an offense
7 involving assault, criminal mischief, or other intentional damage to
8 property or nonconsensual physical contact directed at such an athlete,
9 coach, official or participant, where the conduct arose from or related
10 to a sports wager or such sporting event. The duration of any desig-
11 nation as a prohibited sports bettor pursuant to this subparagraph shall
12 be determined in accordance with the schedule established by the commis-
13 sion pursuant to subdivision seventeen of this section, and shall be
14 calculated from the date of final conviction or issuance of the final
15 order of protection. The commission shall provide notice to an individ-
16 ual of such individual's designation as a prohibited sports bettor
17 pursuant to this subparagraph, provided further, an individual may
18 submit a written appeal to the commission for the limited purposes of
19 challenging the accuracy of the identifying information used by the
20 commission, demonstrating that the conviction or order of protection
21 relied upon has been vacated, reversed or otherwise set aside, demon-
22 strating that the prohibition period established by the commission's
23 schedule has expired, or establishing that the underlying offense did
24 not arise from or relate to a sports wager or sporting event as required
25 by this subparagraph, in a form and manner prescribed by the commission.
26 Nothing in this subparagraph shall be construed to authorize the commis-
27 sion to designate an individual as a prohibited sports bettor based
28 solely on expression that is protected by the United States or New York
29 state constitution, including criticism, commentary or other fan
30 expression that does not constitute conduct described in this subpara-
31 graph.

32 § 2. Section 1367 of the racing, pari-mutuel wagering and breeding law
33 is amended by adding two new subdivisions 17 and 18 to read as follows:

34 17. (a) The commission shall, by regulation, establish a schedule of
35 prohibition periods for individuals designated as prohibited sports
36 bettors pursuant to subparagraph (xi) of paragraph (r) of subdivision
37 one of this section. Such schedule shall provide fixed prohibition peri-
38 ods based on the classification and severity of the underlying offense,
39 and shall not permit individualized determinations by the commission on
40 a case-by-case basis. The schedule shall include the following tiers:

41 (i) Tier I offenses (Class B misdemeanors and violations): A prohibi-
42 tion period of not less than one year and not more than three years from
43 the date of conviction or final order of protection. Tier I offenses
44 shall include menacing in the third degree (section 120.15 of the penal
45 law), stalking in the fourth degree (section 120.45 of the penal law),
46 harassment in the first degree (section 240.25 of the penal law), and
47 substantially similar offenses in other jurisdictions.

48 (ii) Tier II offenses (Class A misdemeanors): A prohibition period of
49 not less than three years and not more than five years from the date of
50 conviction or final order of protection. Tier II offenses shall include
51 menacing in the second degree (section 120.14 of the penal law), stalk-
52 ing in the third degree (section 120.50 of the penal law), aggravated
53 harassment in the second degree (section 240.30 of the penal law), and
54 substantially similar offenses in other jurisdictions.

55 (iii) Tier III offenses (Class E and D felonies): A prohibition period
56 of not less than five years and not more than ten years from the date of

1 conviction or final order of protection. Tier III offenses shall include
2 menacing in the first degree (section 120.13 of the penal law), stalking
3 in the second degree (section 120.55 of the penal law), stalking in the
4 first degree (section 120.60 of the penal law), aggravated harassment in
5 the first degree (section 240.31 of the penal law), and substantially
6 similar offenses in other jurisdictions, as well as assault offenses and
7 criminal mischief offenses as described in clause (C) of subparagraph
8 (xi) of paragraph (r) of subdivision one of this section.

9 (iv) Multiple or repeat offenses: Where an individual has been
10 convicted of, or is the subject of final orders of protection for,
11 multiple qualifying offenses arising from separate incidents, the prohi-
12 bition periods shall run consecutively. Where an individual commits a
13 subsequent qualifying offense while under an existing prohibition, the
14 commission shall impose the maximum prohibition period for the higher
15 tier offense, and such period shall commence upon the expiration of any
16 existing prohibition period.

17 (b) The commission may, by regulation and after public comment, adjust
18 the specific duration within each tier based on evidence of recidivism
19 rates, deterrent effect, and recommendations from law enforcement,
20 professional sports organizations, and the National Collegiate Athletic
21 Association (NCAA), provided that no prohibition period shall be indefi-
22 nite or exceed ten years for a single offense. The commission shall
23 review and provide a report on the effectiveness of the schedule to the
24 governor, the temporary president of the senate, and the speaker of the
25 assembly every five years.

26 (c) The commission shall implement this subdivision in accordance with
27 the rules and regulations promulgated pursuant to subdivision eighteen
28 of this section, and shall not require any casino or mobile sports
29 wagering licensee to make independent determinations regarding the legal
30 sufficiency of any conviction or order of protection beyond verifying
31 the identity of the bettor against lists provided by the commission.

32 18. (a) For purposes of implementing subparagraph (xi) of paragraph
33 (r) of subdivision one and subdivision seventeen of this section, the
34 commission, in consultation with the office of court administration and
35 the division of criminal justice services, shall promulgate rules and
36 regulations governing the sharing of information concerning convictions
37 and final orders of protection described in subparagraph (xi) of para-
38 graph (r) of subdivision one of this section, to the extent authorized
39 by article thirty-five of the executive law, section two hundred twelve
40 of the judiciary law, the criminal procedure law, the family court act,
41 the domestic relations law, and any other applicable state or federal
42 law.

43 (b) Such rules and regulations shall provide for the receipt, use and
44 disclosure by the commission of such information solely as necessary to
45 effectuate the provisions of subparagraph (xi) of paragraph (r) of
46 subdivision one and subdivision seventeen of this section, including the
47 designation of prohibited sports bettors and the notification of casinos
48 and mobile sports wagering licensees and other entities subject to the
49 jurisdiction of the commission of individuals so designated.

50 (c) Any sharing of information pursuant to this subdivision shall be
51 subject to applicable provisions of the criminal procedure law, the
52 family court act, the domestic relations law, article thirty-five of the
53 executive law, section two hundred twelve of the judiciary law, and any
54 other law pertaining to the confidentiality, sealing and expungement of
55 records. Nothing in this subdivision shall be deemed to permit or
56 require the release, disclosure or other dissemination by the office of

1 court administration or the division of criminal justice services of any
2 record that has been sealed or is otherwise confidential in accordance
3 with law.

4 (d) The commission shall, at least annually, update and distribute to
5 all casinos and mobile sports wagering licensees a consolidated list of
6 individuals designated as prohibited sports bettors pursuant to subpara-
7 graph (xi) of paragraph (r) of subdivision one of this section, and
8 shall provide interim updates as necessary. Casinos and mobile sports
9 wagering licensees shall use such list to prevent designated individuals
10 from placing sports wagers, and may rely on such list in good faith
11 without undertaking any independent criminal history investigation.

12 § 3. This act shall take effect on the one hundred eightieth day after
13 it shall have become a law. Effective immediately, the addition, amend-
14 ment and/or repeal of any rule or regulation necessary for the implemen-
15 tation of this act on its effective date are authorized to be made and
16 completed by the state gaming commission, the chief administrator of the
17 courts, and the division of criminal justice services on or before such
18 effective date.