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:

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

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

(x) any minor[~~.~~]**; or**

(xi) any individual who, on or after the effective date of this subparagraph, has (A) been convicted, in this state, of an offense defined in section 120.13, 120.14, 120.15, 120.45, 120.50, 120.55, 120.60, 240.25, 240.30 or 240.31 of the penal law, or a substantially similar offense in another jurisdiction, where the complainant or victim is an amateur or professional athlete, coach, official or other participant in a sports event and the conduct underlying such offense arose from or related to a sports wager or such sporting event; (B) been found, in a final order of protection or equivalent final civil protection order issued by a court of competent jurisdiction, to have 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.

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sections enumerated in clause (A) of this subparagraph if prosecuted in this state, where the protected party is such an athlete, coach, official or participant and the conduct arose from or related to a sports wager or such sporting event; or (C) been convicted, in this state or any other jurisdiction, of, or found in a final order of protection or equivalent final civil protection order to have committed, an offense involving assault, criminal mischief, or other intentional damage to property or nonconsensual physical contact directed at such an athlete, coach, official or participant, where the conduct arose from or related to a sports wager or such sporting event. The duration of any designation as a prohibited sports bettor pursuant to this subparagraph shall be determined in accordance with the schedule established by the commission pursuant to subdivision seventeen of this section, and shall be calculated from the date of final conviction or issuance of the final order of protection. The commission shall provide notice to an individual of such individual's designation as a prohibited sports bettor pursuant to this subparagraph, provided further, an individual may submit a written appeal to the commission for the limited purposes of challenging the accuracy of the identifying information used by the commission, demonstrating that the conviction or order of protection relied upon has been vacated, reversed or otherwise set aside, demonstrating that the prohibition period established by the commission's schedule has expired, or establishing that the underlying offense did not arise from or relate to a sports wager or sporting event as required by this subparagraph, in a form and manner prescribed by the commission. Nothing in this subparagraph shall be construed to authorize the commission to designate an individual as a prohibited sports bettor based solely on expression that is protected by the United States or New York state constitution, including criticism, commentary or other fan expression that does not constitute conduct described in this subparagraph.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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