

# STATE OF NEW YORK

8468

2025-2026 Regular Sessions

## IN SENATE

August 1, 2025

Introduced by Sen. MARTINEZ -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the penal law, in relation to an assault on an elected official and to establish the crimes of stalking an elected official and aggravated harassment of an elected official

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

1 Section 1. Section 120.09 of the penal law, as amended by section 3 of  
2 part F of chapter 55 of the laws of 2024, is amended to read as follows:  
3 § 120.09 Assault on a judge or elected official.

4 1. A person is guilty of assault on a judge when, with intent to  
5 prevent a judge from performing official judicial duties, such person  
6 causes serious physical injury to such judge. For the purposes of this  
7 section, the term judge shall mean a judge of a court of record or a  
8 justice court.

9 2. A person is guilty of assault on an elected official when, with  
10 intent to prevent an elected official from performing their official  
11 duties, such person causes serious physical injury to such elected offi-  
12 cial. For the purposes of this section, the term "elected official"  
13 shall mean an elected official of the state of New York or of any city,  
14 county, town, village or other political subdivision of the state, and  
15 includes anyone who is elected to a town board, library board, or school  
16 board.

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

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

20 § 120.09-a Aggravated assault on a judge or elected official.

21 1. A person is guilty of aggravated assault on a judge when, with  
22 intent to cause serious physical injury and prevent a judge from  
23 performing official judicial duties, such person causes serious physical

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

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1 injury to such judge. For the purposes of this section, the term judge  
2 shall mean a judge of a court of record or a justice court.

3 2. A person is guilty of aggravated assault on an elected official  
4 when, with intent to cause serious physical injury and prevent an  
5 elected official from performing their official duties, such person  
6 causes serious physical injury to such elected official. For the  
7 purposes of this section, the term "elected official" shall mean an  
8 elected official of the state of New York or of any city, county, town,  
9 village or other political subdivision of the state, and includes anyone  
10 who is elected to a town board, library board, or school board.

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

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

14 § 120.59 Stalking an elected official.

15 A person is guilty of stalking an elected official when they commit  
16 the crime of stalking in the third degree as defined in subdivision  
17 three of section 120.50 or stalking in the second degree as defined in  
18 section 120.55 of this article and the victim of such crime is an  
19 elected official or a member of such elected official's immediate fami-  
20 ly. For the purposes of this section, the term "elected official" shall  
21 mean an elected official of the state of New York or of any city, coun-  
22 ty, town, village or other political subdivision of the state, and  
23 includes anyone who is elected to a town board, library board, or school  
24 board. Nothing in this section shall restrict communication with an  
25 elected official where such communication relates to such official's  
26 elected office.

27 Stalking an elected official is a class D felony.

28 § 4. The penal law is amended by adding a new section 240.33-a to read  
29 as follows:

30 § 240.33-a Aggravated harassment of an elected official.

31 A person is guilty of aggravated harassment of an elected official  
32 when:

33 1. With intent to harass an elected official, the actor either: (a)  
34 communicates, anonymously or otherwise, by telephone, by computer or any  
35 other electronic means, or by mail, or by transmitting or delivering any  
36 other form of communication, a threat to cause physical harm to, or  
37 unlawful harm to the property of, a person the actor knows or reasonably  
38 should know is an elected official, or a member of such elected offi-  
39 cial's immediate family, and the actor knows or reasonably should know  
40 that such communication will cause such elected official to reasonably  
41 fear harm to such elected official's physical safety or property, or to  
42 the physical safety or property of a member of such elected official's  
43 immediate family; or (b) causes a communication to be initiated anony-  
44 mously or otherwise, by telephone, by computer or any other electronic  
45 means, or by mail, or by transmitting or delivering any other form of  
46 communication, a threat to cause physical harm to, or unlawful harm to  
47 the property of, a person the actor knows or reasonably should know is  
48 an elected official, or a member of such elected official's immediate  
49 family, and the actor knows or reasonably should know that such communi-  
50 cation will cause such elected official to reasonably fear harm to such  
51 person's physical safety or property, or to the physical safety or prop-  
52 erty of a member of such elected official's immediate family; or

53 2. With intent to harass or threaten a person the actor knows or  
54 reasonably should know is an elected official or a member of such  
55 elected official's immediate family, the actor engages in any form of  
56 communication, including telephonic and electronic communication, with

1 such elected official or a member of such official's immediate family  
2 with no legitimate purpose; or

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

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

18 5. The actor commits the crime of criminal trespass in the third  
19 degree as defined by section 140.10 of this chapter against a person the  
20 actor knows or reasonably should know is an elected official or a member  
21 of such elected official's immediate family; or

22 6. The actor commits the crime of harassment in the first degree  
23 against a person the actor knows or reasonably should know is an elected  
24 official or a member of such elected official's immediate family and has  
25 previously been convicted of the crime of harassment in the first degree  
26 as defined by section 240.25 of this article within the preceding ten  
27 years and such conviction involved a victim who was an elected official  
28 or a member of an elected official's immediate family. For the purposes  
29 of this section, the term "elected official" shall mean an elected offi-  
30 cial of the state of New York or of any city, county, town, village or  
31 other political subdivision of the state, and includes anyone who is  
32 elected to a town board, library board, or school board; and "immediate  
33 family" shall have the same meaning as defined in section 120.40 of this  
34 chapter.

35 Aggravated harassment of an elected official is a class E felony.

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