STATE OF NEW YORK

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2025-2026 Regular Sessions

IN ASSEMBLY

April 11, 2025

Introduced by M. of A. LAVINE, LUNSFORD, K. BROWN, GRIFFIN, SANTABARBARA, SAYEGH, McDONALD, WOERNER, GRAY, McMAHON -- read once and referred to the Committee on Racing and Wagering -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Racing and Wagering in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported from committee, advanced to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

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 in sports events or horse races, or of certain offenses involving sports contests, horse races, or wagering thereon, 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 120.00, 120.03, 120.04, 120.04-a, 120.05, 120.06, 120.07, 120.10, 120.13, 120.14, 120.15, 120.20, 120.25, 120.45, 120.50, 120.55, 120.60, 121.11, 121.12, 121.13, 125.10, 125.12, 125.13, 125.14, 125.15, 125.20, 125.25, 125.27, 135.05, 135.10, 135.20, 135.25, 135.60,

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

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135.61, 135.65, 140.10, 140.15, 140.17, 140.20, 140.25, 140.30, 145.00, 145.05, 145.10, 145.12, 150.01, 150.05, 150.10, 150.15, 150.20, 155.35, 155.42, 160.05, 160.10, 160.15, 180.40, 180.45, 180.50, 180.51, 180.52, 180.53, 215.15, 215.16, 215.17, 240.25, 240.30, 240.31, 240.50, 240.55, 240.60, 240.61, 240.62, 240.63, 240.78, 240.79, 265.01-e, 485.05, or 490.20 of the penal law, or of subdivision six of section 155.30 or subdivision two of section 155.40 of the penal law, or a substantially similar offense in another jurisdiction, where (1) the complainant or victim is an amateur or professional athlete, coach, official or other participant in a sports event, or a jockey, driver, trainer, owner, official or other participant in a horse race, or (2) the offense is defined in section 180.40, 180.45, 180.50, 180.51, 180.52, or 180.53 of the penal law or is a substantially similar offense in another jurisdiction and involves corruption of, tampering with, or impairment of the integrity of a sports contest, pari-mutuel horse race, pari-mutuel betting system, horse race, or wagering on a horse race, and, in either case, the conduct underlying such offense arose from or related to a sports wager, pari-mutuel betting, a wager on a horse race, such sporting event, such sports contest, such pari-mutuel horse race, such pari-mutuel betting system, or such horse race; (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 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 in a sports event, or a jockey, driver, trainer, owner, official or other participant in a horse race, and the conduct arose from or related to a sports wager, pari-mutuel betting, a wager on a horse race, or such sporting event, or such horse race; or (C) been convicted, in this state of disorderly conduct (section 240.20 of the penal law), harassment in the second degree (section 240.26 of the penal law), or a substantially similar offense in another jurisdiction, or 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 disorderly conduct (section 240.20 of the penal law), harassment in the second degree (section 240.26 of the penal law), or a substantially similar offense in another jurisdiction, where the complainant, victim or protected party is such an athlete, coach, official or participant in a sports event, or a jockey, driver, trainer, owner, official or other participant in a horse race, the conduct underlying such offense arose from or related to a sports wager, pari-mutuel betting, a wager on a horse race, such sporting event or such horse race, and the commission, in accordance with regulations promulgated pursuant to subdivision seventeen of this section, determines that such designation is warranted. 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. Such designation shall be in addition to, and not in lieu of, any other criminal, civil, administrative, licensing, or regulatory consequence otherwise authorized by law. 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, pari-mutuel betting, a wager on a horse race, or sporting event, sports contest, pari-mutuel horse race, pari-mutuel betting system, or horse race as required by this subparagraph, or, with respect to a designation pursuant to this clause, establishing that the commission failed to apply the regulations promulgated pursuant to subdivision seventeen of this section, 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, except as otherwise provided for offenses described in clause (C) of subparagraph (xi) of paragraph (r) of subdivision one of this section. The schedule shall include the following tiers:

(i) Tier I offenses (Class B misdemeanors and qualifying 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), criminal trespass in the third degree (section 140.10 of the penal law), making a threat of mass harm (section 240.78 of the penal law), and, where the commission determines pursuant to regulations that designation is warranted under clause (C) of subparagraph (xi) of paragraph (r) of subdivision one of this section, disorderly conduct (section 240.20 of the penal law), harassment in the second degree (section 240.26 of the penal law) and substantially similar offenses in other jurisdictions.

(ii) Tier II offenses (Specified 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), reckless endangerment in the second degree (section 120.20 of the penal law), stalking in the third degree (section 120.50 of the penal law), unlawful imprisonment in the second degree (section 135.05 of the penal law), aggravated harassment in the second degree (section 240.30 of the penal law), criminal obstruction of breathing or blood circulation (section 121.11 of the penal law), criminal trespass in the second degree (section 140.15 of the penal law), arson in the fifth degree (section 150.01 of the penal law), falsely reporting an incident in the third degree (section 240.50 of the penal law), aggravated threat

of mass harm (section 240.79 of the penal law), and substantially similar offenses in other jurisdictions.

(iii) Tier III offenses (Felonies and specified class A misdemeanors): 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), reckless endangerment in the first degree (section 120.25 of the penal law), aggravated harassment in the first degree (section 240.31 of the penal law), assault in the third degree (section 120.00 of the penal law), vehicular assault in the second degree (section 120.03 of the penal law), vehicular assault in the first degree (section 120.04 of the penal law), aggravated vehicular assault (section 120.04-a of the penal law), assault in the second degree (section 120.05 of the penal law), gang assault in the second degree (section 120.06 of the penal law), gang assault in the first degree (section 120.07 of the penal law), assault in the first degree (section 120.10 of the penal law), strangulation in the second degree (section 121.12 of the penal law), strangulation in the first degree (section 121.13 of the penal law), criminally negligent homicide (section 125.10 of the penal law), murder in the first degree (section 125.27 of the penal law), vehicular manslaughter in the second degree (section 125.12 of the penal law), vehicular manslaughter in the first degree (section 125.13 of the penal law), aggravated vehicular homicide (section 125.14 of the penal law), manslaughter in the second degree (section 125.15 of the penal law), manslaughter in the first degree (section 125.20 of the penal law), murder in the second degree (section 125.25 of the penal law), unlawful imprisonment in the first degree (section 135.10 of the penal law), kidnapping in the second degree (section 135.20 of the penal law), kidnapping in the first degree (section 135.25 of the penal law), coercion in the third degree (section 135.60 of the penal law), coercion in the second degree (section 135.61 of the penal law), coercion in the first degree (section 135.65 of the penal law), criminal trespass in the first degree (section 140.17 of the penal law), burglary in the third degree (section 140.20 of the penal law), burglary in the second degree (section 140.25 of the penal law), burglary in the first degree (section 140.30 of the penal law), criminal mischief in the fourth degree (section 145.00 of the penal law), criminal mischief in the third degree (section 145.05 of the penal law), criminal mischief in the second degree (section 145.10 of the penal law), criminal mischief in the first degree (section 145.12 of the penal law), arson in the fourth degree (section 150.05 of the penal law), arson in the third degree (section 150.10 of the penal law), arson in the second degree (section 150.15 of the penal law), arson in the first degree (section 150.20 of the penal law), grand larceny in the fourth degree by extortion (subdivision six of section 155.30 of the penal law), grand larceny in the second degree by extortion (subdivision two of section 155.40 of the penal law), grand larceny in the third degree (section 155.35 of the penal law), grand larceny in the first degree (section 155.42 of the penal law), criminal possession of a firearm, rifle, or shotgun in a sensitive location (section 265.01-e of the penal law), robbery in the third degree (section 160.05 of the penal law), robbery in the second degree (section 160.10 of the penal law), robbery in the first degree (section 160.15 of the penal law), sports bribing (section 180.40 of the penal law), sports bribe receiving (section 180.45 of the penal law), tampering with a

sports contest in the second degree (section 180.50 of the penal law), tampering with a sports contest in the first degree (section 180.51 of the penal law), impairing the integrity of a pari-mutuel betting system in the second degree (section 180.52 of the penal law), impairing the integrity of a pari-mutuel betting system in the first degree (section 180.53 of the penal law), intimidating a victim or witness in the third degree (section 215.15 of the penal law), intimidating a victim or witness in the second degree (section 215.16 of the penal law), intimidating a victim or witness in the first degree (section 215.17 of the penal law), falsely reporting an incident in the second degree (section 240.55 of the penal law), falsely reporting an incident in the first degree (section 240.60 of the penal law), placing a false bomb or hazardous substance in the second degree (section 240.61 of the penal law), placing a false bomb or hazardous substance in the first degree (section 240.62 of the penal law), placing a false bomb or hazardous substance in a sports stadium or arena, mass transportation facility or enclosed shopping mall (section 240.63 of the penal law), hate crimes (section 485.05 of the penal law), making a terroristic threat (section 490.20 of the penal law), and substantially similar offenses in other jurisdictions.

(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. Nothing in subparagraph (xi) of paragraph (r) of subdivision one of this section or in this subdivision shall be construed to limit, preclude, replace or otherwise affect any criminal prosecution, sentence, fine, restitution, forfeiture, order of protection, civil or administrative remedy, or the authority of the commission or any other governmental entity to suspend, revoke, condition, restrict or deny any license, registration, wagering privilege, access or other approval otherwise authorized by this chapter or any other law. The prohibition periods established pursuant to this subdivision are in addition to, and not in lieu of, any such consequences. 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 this subdivision and subdivision eighteen of this section, and shall not require any casino or mobile sports wagering licensee or any racing association, corporation, off-track betting corporation, simulcast facility, account wagering licensee, multi-jurisdictional account wagering provider, or other entity licensed, franchised, or otherwise authorized by the commission to accept wagers on horse races to make independent determinations regarding the legal sufficiency of any conviction or order of

protection beyond verifying the identity of the bettor or account holder 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 notification to casinos and mobile sports wagering licensees, racing associations and corporations, franchised corporations, off-track betting corporations, regional corporations, simulcast facilities, account wagering licensees, multi-jurisdictional account wagering providers, and any other entity licensed, franchised, or otherwise authorized by the commission to accept wagers on horse races, 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, and to all racing associations and corporations, franchised corporations, off-track betting corporations, regional corporations, simulcast facilities, account wagering licensees, multi-jurisdictional account wagering providers, and any other entity licensed, franchised, or otherwise authorized by the commission to accept wagers on horse races, 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, mobile sports wagering licensees and all such horse-race wagering entities shall use such list to prevent designated individuals from placing sports wagers, opening or maintaining wagering accounts, or placing wagers on horse races, and may rely on such list in good faith without undertaking any independent criminal history investigation.

§ 3. Section 1012 of the racing, pari-mutuel wagering and breeding law is amended by adding a new subdivision 19 to read as follows:

19. An account wagering licensee shall not permit any individual designated as a prohibited sports bettor pursuant to subparagraph (xi) of paragraph (r) of subdivision one of section thirteen hundred sixty-seven of this chapter to establish or maintain a wagering account, or to place a wager on a horse race through such account wagering licensee. An

account wagering licensee may rely in good faith on lists provided by the commission pursuant to subdivision eighteen of section thirteen hundred sixty-seven of this chapter without undertaking any independent criminal history investigation.

§ 4. 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.