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:

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**.

1. A person is guilty of assault on a judge when, 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, the term judge shall mean a judge of a court of record or a justice court.

2. A person is guilty of assault on an elected official when, with intent to prevent an elected official from performing their official duties, such person causes serious physical injury to such elected official. 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 of the state, and includes anyone who is 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**.

1. A person is guilty of aggravated assault on a judge when, with intent to cause serious physical injury and prevent a judge from 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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injury to such judge. For the purposes of this section, the term judge shall mean a judge of a court of record or a justice court.

2. A person is guilty of aggravated assault on an elected official when, with intent to cause serious physical injury and prevent an elected official from performing their official duties, such person causes serious physical injury to such elected official. 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 of the state, and includes anyone who is 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 an elected official.

A person is guilty of stalking an 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 an elected official or a member of such elected official's immediate family. 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 of the state, and includes anyone who is elected to a town board, library board, or school board. Nothing in this section shall restrict communication with an elected official where such communication relates to such official's elected office.

Stalking an elected official is a class D felony.

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

§ 240.33-a Aggravated harassment of an elected official.

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

1. With intent to harass an elected official, 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 an elected official, or a member of such elected official's immediate family, and the actor knows or reasonably should know that such communication will cause such elected official to reasonably fear harm to such elected official's physical safety or property, or to the physical safety or property of a member of such 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 an elected official, or a member of such elected official's immediate family, and the actor knows or reasonably should know that such communication will cause such 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 elected official's immediate family; or

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

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

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

5. 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 an elected official or a member of such 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 an elected official or a member of such 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 and such conviction involved a victim who was an elected official or a member of an elected official's immediate family. 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 of the state, and includes anyone who is elected to a town board, library board, or school board; and "immediate family" shall have the same meaning as defined in section 120.40 of this chapter.

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

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