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March 3, 2016

Assemblyman Joseph R. Lentol  
619 Lorimer Street  
Brooklyn, New York 11211

I write as the President of the District Attorneys Association of the State of New York ("DAASNY") to support Senate Bill S430-A, A 2800 (Gallivan, Lentol) an Act to amend the Penal Law, in relation to an intentional act or continuing course of action that would cause serious physical harm to ten or more people upon school grounds. This common-sense legislation seeks to fill a hole in the current law regarding threats made against schools in session. DAASNY supports this legislation because it will make our schools and our first responders safer while appropriately punishing those who would put others in harms way.

Currently, Penal Law §240.60(5) criminalizes reporting a baseless threat upon school grounds of a fire, explosion or hazardous substance release. These types of threats would result in a significant response from the affected school and local emergency responders.

Experience tells us that, unfortunately, there are many other ways to effect the same response without resorting to these three particular threats. There have been many actual mass attacks in schools by ways other than the currently enumerated scenarios, including mass shootings and vehicular attacks, that could and do achieve the same emergency response level as the enumerated examples.

This law seeks to close the loophole in the law by mandating that any false or baseless threat that would result in serious physical injury to ten or more people -- such as a mass shooting or intentional ramming threat -- would be a crime under this subdivision. DAASNY therefore supports this legislation. At the same time, DAASNY also supports extending these protections to all public places by amending Penal Law §240.60(6).

Very truly yours,

Thomas P. Zugibe  
President