

1671

2009-2010 Regular Sessions

I N S E N A T E

February 4, 2009

Introduced by Sens. FLANAGAN, MAZIARZ, MORAHAN, SEWARD -- read twice and
ordered printed, and when printed to be committed to the Committee on
Codes

AN ACT to amend the penal law, in relation to justification for the use
of physical force

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY,
DO ENACT AS FOLLOWS:

1 Section 1. Subparagraph (i) of paragraph (a) of subdivision 2 of
2 section 35.15 of the penal law, as amended by chapter 511 of the laws of
3 2004, is amended to read as follows:
4 (i) in his or her dwelling OR ON SURROUNDING GROUNDS and not the
5 initial aggressor. SURROUNDING GROUNDS IS DEFINED, FOR THE PURPOSES OF
6 THIS SUBPARAGRAPH, AS REAL PROPERTY OWNED BY THE OWNER OF THE DWELLING
7 OR IN ANY COMMON AREAS OWNED BY A COOPERATIVE OR CONDOMINIUM
8 ASSOCIATION; or
9 S 2. This act shall take effect on the first of November next succeeding
10 the date on which it shall have become a law.

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

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