

1540

2011-2012 Regular Sessions

I N   S E N A T E

January 10, 2011

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Introduced by Sen. SKELOS -- 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 establishing the offense of unlawfully residing or entering upon school grounds

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

1     Section 1. The penal law is amended by adding two new sections 130.82  
2     and 130.83 to read as follows:

3     S 130.82 UNLAWFULLY RESIDING OR ENTERING UPON SCHOOL GROUNDS IN THE  
4                SECOND DEGREE.

5     A PERSON IS GUILTY OF UNLAWFULLY RESIDING OR ENTERING UPON SCHOOL  
6     GROUNDS IN THE SECOND DEGREE WHEN, HAVING BEEN CONVICTED OF AN OFFENSE  
7     DEFINED IN SUBDIVISION TWO OR THREE OF SECTION ONE HUNDRED SIXTY-EIGHT-A  
8     OF THE CORRECTION LAW, HE OR SHE KNOWINGLY RESIDES WITHIN, OR ENTERS  
9     INTO OR UPON ANY SCHOOL GROUNDS, AS DEFINED IN SUBDIVISION FOURTEEN OF  
10    SECTION 220.00 OF THIS CHAPTER, DURING THE PERIOD OF TIME HE OR SHE IS  
11    REQUIRED TO REGISTER AND VERIFY PURSUANT TO SECTION ONE HUNDRED  
12    SIXTY-EIGHT-H OF THE CORRECTION LAW.

13    IT SHALL BE AN AFFIRMATIVE DEFENSE TO THE CRIME OF UNLAWFULLY RESIDING  
14    OR ENTERING UPON SCHOOL GROUNDS IN THE SECOND DEGREE THAT THE DEFENDANT  
15    (1) IS A REGISTERED STUDENT OR AN EMPLOYEE OF A SCHOOL UPON SUCH SCHOOL  
16    GROUNDS, OR HAS A FAMILY MEMBER ENROLLED IN A SCHOOL UPON SUCH SCHOOL  
17    GROUNDS, AND (2) ENTERED UPON SUCH SCHOOL GROUNDS FOR THE LIMITED  
18    PURPOSES AUTHORIZED BY THE SUPERINTENDENT OR CHIEF ADMINISTRATOR OF SUCH  
19    SCHOOL.

20    UNLAWFULLY RESIDING OR ENTERING UPON SCHOOL GROUNDS IN THE SECOND  
21    DEGREE IS A CLASS A MISDEMEANOR.

22    S 130.83 UNLAWFULLY RESIDING OR ENTERING UPON SCHOOL GROUNDS IN THE  
23                FIRST DEGREE.

24    A PERSON IS GUILTY OF UNLAWFULLY RESIDING OR ENTERING UPON SCHOOL  
25    GROUNDS IN THE FIRST DEGREE WHEN HE OR SHE COMMITS THE OFFENSE OF UNLAW-

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

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1 FULLY RESIDING OR ENTERING UPON SCHOOL GROUNDS IN THE SECOND DEGREE, AS  
2 DEFINED IN SECTION 130.82 OF THIS ARTICLE, AND HAS BEEN CONVICTED OF  
3 UNLAWFULLY RESIDING OR ENTERING UPON SCHOOL GROUNDS IN THE FIRST OR  
4 SECOND DEGREE IN THE PREVIOUS FIVE YEARS.

5 UNLAWFULLY RESIDING OR ENTERING UPON SCHOOL GROUNDS IN THE FIRST  
6 DEGREE IS A CLASS E FELONY.

7 S 2. This act shall take effect on the first of November next succeed-  
8 ing the date on which it shall have become a law.