S T A T E O F N E W Y O R K

951

2013-2014 Regular Sessions

I N S E N A T E

(PREFILED)

January 9, 2013

Introduced by Sen. PARKER -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the penal law and the vehicle and traffic law, in relation to bias-related graffiti

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

Section 1. Section 240.31 of the penal law is amended by adding a new subdivision 1-a to read as follows:

1-A. ETCHES, PAINTS, COVERS, DRAWS UPON OR OTHERWISE PLACES A MARK UPON PUBLIC OR PRIVATE PROPERTY; OR

S 2. The penal law is amended by adding a new section 60.31 to read as follows:

S 60.31 AUTHORIZED DISPOSITION; AGGRAVATED HARASSMENT IN THE FIRST DEGREE.

WHEN A PERSON IS CONVICTED OF AN OFFENSE DEFINED IN SUBDIVISION ONE-A OF SECTION 240.31 OF THIS CHAPTER, OR OF AN ATTEMPT TO COMMIT SUCH AN OFFENSE, OR OF A LESSER INCLUDED OFFENSE, IN ADDITION TO ANY OTHER SENTENCE IMPOSED OR AS A CONDITION OF PROBATION OR CONDITIONAL DISCHARGE: (1) THE COURT MAY ORDER SUCH PERSON TO PARTICIPATE IN, AT HIS OWN EXPENSE, A DIVERSITY TRAINING PROGRAM THAT IS DESIGNED TO OVERCOME DISCRIMINATION, PREJUDICE AND INTOLERANCE, AND THAT PROMOTES COMMUNICATION, UNDERSTANDING AND RESPECT AMONG DIVERSE RACIAL, RELIGIOUS AND ETHNIC GROUPS AND/OR (2) MAY SUSPEND SUCH INDIVIDUAL'S DRIVER'S LICENSE OR PRIVILEGE TO DRIVE IN THIS STATE FOR A PERIOD OF UP TO ONE YEAR, OR, IN THE EVENT SUCH INDIVIDUAL DOES NOT HAVE A DRIVER'S LICENSE, THE COURT MAY DELAY THE GRANTING OF A DRIVER'S LICENSE FOR A PERIOD OF UP TO ONE YEAR.

S 3. Section 502 of the vehicle and traffic law is amended by adding a new subdivision 8 to read as follows:

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

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8. EXCEPTIONS. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, THE COMMISSIONER SHALL NOT ISSUE A DRIVER'S LICENSE TO ANY PERSON CONVICTED OF AN OFFENSE DEFINED IN SUBDIVISION ONE-A OF SECTION 240.31 OF THE PENAL LAW, OR OF AN ATTEMPT TO COMMIT SUCH AN OFFENSE, OR OF A LESSER INCLUDED OFFENSE, UNTIL SUCH TIME AS IMPOSED BY THE SENTENCING COURT HAS LAPSED.

S 4. Subdivision 3 of section 510 of the vehicle and traffic law is amended by adding a new paragraph j-1 to read as follows:

J-1. FOR A PERIOD UP TO ONE YEAR WHERE THE HOLDER HAS BEEN CONVICTED OF AN OFFENSE DEFINED IN SUBDIVISION ONE-A OF SECTION 240.31 OF THE PENAL LAW;

S 5. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.