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

10857--A

I N A S S E M B L Y

April 26, 2010

Introduced by M. of A. SCHIMMINGER, JAFFEE, GABRYSZAK, GALEF, FIELDS, PAULIN, HOOPER -- Multi-Sponsored by -- M. of A. HIKIND, KOON, McENENY, PHEFFER -- (at request of the State Liquor Authority) -- read once and referred to the Committee on Economic Development, Job Creation, Commerce and Industry -- reported and referred to the Committee on Rules -- Rules Committee discharged, bill amended, ordered reprinted as amended and recommitted to the Committee on Rules

AN ACT to amend the alcoholic beverage control law, in relation to the conditions precedent to revocation of a license for cause

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

Section 1. Section 118 of the alcoholic beverage control law is amended by adding a new subdivision 4 to read as follows:

4. AS USED IN THIS CHAPTER, THE EXISTENCE OF A SUSTAINED AND CONTINUING PATTERN OF NOISE, DISTURBANCE, MISCONDUCT, OR DISORDER ON OR ABOUT THE LICENSED PREMISES, RELATED TO THE OPERATION OF THE PREMISES OR THE CONDUCT OF ITS PATRONS, WILL BE PRESUMED UPON THE SIXTH INCIDENT REPORTED TO THE AUTHORITY BY A LAW ENFORCEMENT AGENCY OF NOISE OR DISTURBANCE OR MISCONDUCT OR DISORDER ON OR ABOUT THE LICENSED PREMISES OR RELATED TO THE OPERATION OF THE PREMISES OR THE CONDUCT OF ITS PATRONS, IN ANY SIXTY DAY PERIOD, ABSENT CLEAR AND CONVINCING EVIDENCE OF EITHER FRAUDULENT INTENT ON THE PART OF ANY COMPLAINANT OR A FACTUAL ERROR WITH RESPECT TO THE CONTENT OF ANY REPORT CONCERNING SUCH COMPLAINT RELIED UPON BY THE AUTHORITY.

S 2. This act shall take effect immediately.

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

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