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

3938

2009-2010 Regular Sessions

I N A S S E M B L Y

January 29, 2009

Introduced by M. of A. RAIA, ALFANO, ERRIGO, KOLB, WALKER -- Multi-Sponsored by -- M. of A. CALHOUN, CONTE, CROUCH, FINCH, FITZPATRICK, McDONOUGH -- read once and referred 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:

Section 1. Subparagraph (i) of paragraph (a) of subdivision 2 of section 35.15 of the penal law, as amended by chapter 511 of the laws of 2004, is amended to read as follows:

(i) in his or her dwelling *OR ON SURROUNDING GROUNDS* and not the initial aggressor. *SURROUNDING GROUNDS IS DEFINED, FOR THE PURPOSES OF THIS SUBPARAGRAPH, AS REAL PROPERTY OWNED BY THE OWNER OF THE DWELLING OR IN ANY COMMON AREAS OWNED BY A COOPERATIVE OR CONDOMINIUM ASSOCIATION*; or

S 2. This act shall take effect on the first of November next succeeding 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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