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

6454

2009-2010 Regular Sessions

I N A S S E M B L Y

March 4, 2009

Introduced by M. of A. ORTIZ, P. RIVERA, COLTON -- Multi-Sponsored by -- M. of A. J. RIVERA -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to prohibiting the display of pornographic magazines or materials by street vendors in cities of one million or more

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

Section 1. The penal law is amended by adding a new section 410.05 to read as follows:

S 410.05 PUBLIC DISPLAY OF PORNOGRAPHIC MAGAZINES OR MATERIALS BY STREET VENDORS.

1. IT SHALL BE UNLAWFUL FOR STREET VENDORS IN CITIES OF ONE MILLION OR MORE TO DISPLAY PORNOGRAPHIC MAGAZINES OR MATERIALS.

2. FOR PURPOSES OF THIS SECTION ONLY, PORNOGRAPHIC MAGAZINES OR MATERIALS, ARE DEFINED AS MAGAZINES OR MATERIALS SHOWING ACTS OF SEXUAL INTERCOURSE OR ACTS OF SEXUAL PERVERSION. THIS SECTION SHALL NOT BE CONSTRUED AS APPLYING TO BONA FIDE MEDICAL PHOTOGRAPHS OR MATERIALS.

3. A VIOLATION OF THE PROVISIONS OF SUBDIVISION ONE OF THIS SECTION SHALL BE PUNISHABLE BY A FINE OF ONE HUNDRED DOLLARS, A SECOND VIOLATION BY A FINE OF TWO HUNDRED FIFTY DOLLARS, AND FOR A THIRD OR SUBSEQUENT VIOLATION BY SUSPENSION OF SUCH VENDOR'S LICENSE.

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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