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

6607

2009-2010 Regular Sessions

I N A S S E M B L Y

March 6, 2009

Introduced by M. of A. BURLING, ERRIGO, HAYES, KOLB, FINCH, GIGLIO, HAWLEY, BALL -- Multi-Sponsored by -- M. of A. ALFANO, BACALLES, BARCLAY, BARRA, BUTLER, CALHOUN, DUPREY, FITZPATRICK, JOHN, McDONOUGH, McKEVITT, OAKS, QUINN, RAIA, SAYWARD, SCOZZAFAVA, SPANO, WALKER -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to establishing the crime of unlawful tampering of the milk supply in the first degree

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 145.28 to read as follows:

S 145.28 UNLAWFUL TAMPERING OF THE MILK SUPPLY IN THE FIRST DEGREE.

1. A PERSON IS GUILTY OF UNLAWFUL TAMPERING OF THE MILK SUPPLY IN THE FIRST DEGREE WHEN, WITH INTENT TO CAUSE A SUBSTANTIAL IMPAIRMENT OR ADULTERATION OF RAW MILK, AND HAVING NO RIGHT TO DO SO NOR ANY REASONABLE GROUND TO BELIEVE THAT HE OR SHE HAS SUCH RIGHT, HE OR SHE DAMAGES OR TAMPERS WITH SUCH RAW MILK SUPPLY, AND THEREBY CAUSES SUBSTANTIAL IMPAIRMENT OR ADULTERATION OF SUCH RAW MILK.

2. A PERSON WHO UNLAWFULLY TAMPERS WITH A MILK SUPPLY SHALL BE LIABLE TO THE OWNER OF SUCH MILK SUPPLY FOR THE FAIR MARKET VALUE OF THE IMPAIRED OR ADULTERATED MILK SUPPLY AT THE TIME OF THE IMPAIRMENT OR ADULTERATION. THE OWNER OF SUCH MILK SUPPLY SHALL, TO THE EXTENT PERMITTED BY LAW, BE RELIEVED AND HELD HARMLESS FROM ANY AND ALL LIABILITY IMPOSED UNDER THIS SECTION.

UNLAWFUL TAMPERING OF THE MILK SUPPLY IN THE FIRST DEGREE IS A CLASS D FELONY.

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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