

6650

2009-2010 Regular Sessions

I N   A S S E M B L Y

March 11, 2009

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Introduced by M. of A. TEDISCO, ERRIGO, WALKER -- Multi-Sponsored by --  
M. of A. BACALLES, BURLING, BUTLER, CONTE, CROUCH, FITZPATRICK,  
HAWLEY, HAYES, KOLB, McKEVITT, MILLER, OAKS, O'MARA, RAIA -- read once  
and referred to the Committee on Codes

AN ACT to amend the penal law and the highway law, in relation to  
violence committed on school grounds

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

1     Section 1. Short title. This act shall be known and may be cited as  
2     "Suzanne's Law".  
3     S 2. The penal law is amended by adding a new section 70.12 to read as  
4     follows:  
5     S 70.12 SENTENCE OF IMPRISONMENT FOR A CRIME COMMITTED AGAINST A PERSON  
6         ON SCHOOL GROUNDS.  
7     1. DEFINITION OF A CRIME COMMITTED AGAINST A PERSON ON SCHOOL GROUNDS.  
8     THE TERM "A CRIME COMMITTED AGAINST A PERSON ON SCHOOL GROUNDS" SHALL  
9     MEAN ANY CRIME DEFINED IN SECTION 120.05 (ASSAULT IN THE SECOND DEGREE),  
10    120.06 (GANG ASSAULT IN THE SECOND DEGREE), 120.07 (GANG ASSAULT IN THE  
11    FIRST DEGREE), 120.08 (ASSAULT ON A PEACE OFFICER, POLICE OFFICER, FIRE-  
12    MAN OR EMERGENCY MEDICAL SERVICES PROFESSIONAL), 120.10 (ASSAULT IN THE  
13    FIRST DEGREE), 120.11 (AGGRAVATED ASSAULT UPON A POLICE OFFICER OR A  
14    PEACE OFFICER), 120.12 (AGGRAVATED ASSAULT UPON A PERSON LESS THAN ELEV-  
15    EN YEARS OLD), 120.13 (MENACING IN THE FIRST DEGREE), 130.25 (RAPE IN  
16    THE THIRD DEGREE), 130.30 (RAPE IN THE SECOND DEGREE), 130.35 (RAPE IN  
17    THE FIRST DEGREE), 130.40 (CRIMINAL SEXUAL ACT IN THE THIRD DEGREE),  
18    130.45 (CRIMINAL SEXUAL ACT IN THE SECOND DEGREE), 130.50 (CRIMINAL  
19    SEXUAL ACT IN THE FIRST DEGREE), 130.65 (SEXUAL ABUSE IN THE FIRST  
20    DEGREE), 130.66 (AGGRAVATED SEXUAL ABUSE IN THE THIRD DEGREE), 130.67  
21    (AGGRAVATED SEXUAL ABUSE IN THE SECOND DEGREE), 130.70 (AGGRAVATED SEXU-  
22    AL ABUSE IN THE FIRST DEGREE), 130.75 (COURSE OF SEXUAL CONDUCT AGAINST  
23    A CHILD IN THE FIRST DEGREE), 130.80 (COURSE OF SEXUAL CONDUCT AGAINST A

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

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1 CHILD IN THE SECOND DEGREE), 130.95 (PREDATORY SEXUAL ASSAULT), 130.96  
2 (PREDATORY SEXUAL ASSAULT AGAINST A CHILD), 135.10 (UNLAWFUL IMPRISON-  
3 MENT IN THE FIRST DEGREE), 135.20 (KIDNAPPING IN THE SECOND DEGREE),  
4 135.25 (KIDNAPPING IN THE FIRST DEGREE) OR 135.65 (COERCION IN THE FIRST  
5 DEGREE) OF THIS CHAPTER, OR ANY ATTEMPT OR CONSPIRACY TO COMMIT ANY OF  
6 THE FOREGOING CRIMES, WHEN THE CRIME (A) CONSTITUTES A FELONY AND (B)  
7 OCCURS ON SCHOOL GROUNDS. FOR PURPOSES OF THIS SECTION, "SCHOOL GROUNDS"  
8 SHALL MEAN (I) IN OR ON OR WITHIN ANY BUILDING, STRUCTURE, ATHLETIC  
9 PLAYING FIELD, PLAYGROUND OR LAND CONTAINED WITHIN THE REAL PROPERTY  
10 BOUNDARY LINE OF A PUBLIC OR PRIVATE NURSERY SCHOOL, DAYCARE FACILITY,  
11 ELEMENTARY, PAROCHIAL, INTERMEDIATE, JUNIOR HIGH, VOCATIONAL, HIGH  
12 SCHOOL, TRADE SCHOOL, JUNIOR COLLEGE, COMMUNITY COLLEGE, COLLEGE,  
13 UNIVERSITY OR OTHER INSTITUTION OF HIGHER EDUCATION, OR (II) ANY AREA  
14 ACCESSIBLE TO THE PUBLIC LOCATED WITHIN ONE THOUSAND FEET OF THE REAL  
15 PROPERTY BOUNDARY LINE COMPRISING ANY SUCH SCHOOL OR ANY PARKED AUTOMO-  
16 BILE OR OTHER PARKED VEHICLE LOCATED WITHIN ONE THOUSAND FEET OF THE  
17 REAL PROPERTY BOUNDARY LINE COMPRISING ANY SUCH SCHOOL. FOR THE PURPOSES  
18 OF THIS SECTION, "AREA ACCESSIBLE TO THE PUBLIC" SHALL MEAN SIDEWALKS,  
19 STREETS, PARKING LOTS, PARKS, PLAYGROUNDS, STORES AND RESTAURANTS.

20 2. AUTHORIZED SENTENCE. (A) NOTWITHSTANDING ANY OTHER PROVISION OF  
21 LAW, WHEN A PERSON IS CONVICTED OF A CRIME COMMITTED AGAINST A PERSON ON  
22 SCHOOL GROUNDS WHICH IS A CLASS C, D, OR E FELONY, THE CRIME SHALL BE  
23 DEEMED TO BE ONE CATEGORY HIGHER THAN THE CRIME THE PERSON COMMITTED, OR  
24 ATTEMPTED OR CONSPIRED TO COMMIT.

25 (B) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, WHEN A PERSON IS  
26 CONVICTED OF A CRIME COMMITTED AGAINST A PERSON ON SCHOOL GROUNDS WHICH  
27 IS A CLASS B FELONY:

28 (I) THE MAXIMUM TERM OF THE INDETERMINATE SENTENCE MUST BE AT LEAST  
29 SIX YEARS IF THE DEFENDANT IS SENTENCED PURSUANT TO SECTION 70.00 OF  
30 THIS ARTICLE;

31 (II) THE TERM OF THE DETERMINATE SENTENCE MUST BE AT LEAST EIGHT YEARS  
32 IF THE DEFENDANT IS SENTENCED PURSUANT TO SECTION 70.02 OF THIS ARTICLE;

33 (III) THE TERM OF THE DETERMINATE SENTENCE MUST BE AT LEAST TWELVE  
34 YEARS IF THE DEFENDANT IS SENTENCED PURSUANT TO SECTION 70.04 OF THIS  
35 ARTICLE;

36 (IV) THE MAXIMUM TERM OF THE INDETERMINATE SENTENCE MUST BE AT LEAST  
37 FOUR YEARS IF THE DEFENDANT IS SENTENCED PURSUANT TO SECTION 70.05 OF  
38 THIS ARTICLE; AND

39 (V) THE MAXIMUM TERM OF THE INDETERMINATE SENTENCE OR THE TERM OF THE  
40 DETERMINATE SENTENCE MUST BE AT LEAST TEN YEARS IF THE DEFENDANT IS  
41 SENTENCED PURSUANT TO SECTION 70.06 OF THIS ARTICLE.

42 S 3. The highway law is amended by adding a new section 318 to read as  
43 follows:

44 S 318. ASSAULT AND ABDUCTION FREE SCHOOL ZONE SIGNS. THE STATE, ANY  
45 POLITICAL SUBDIVISION OF THE STATE AND ANY OTHER PUBLIC OR PRIVATE ENTI-  
46 TY HAVING JURISDICTION OVER ANY HIGHWAY WITHIN SCHOOL GROUNDS, AS  
47 DEFINED IN SUBDIVISION ONE OF SECTION 70.12 OF THE PENAL LAW, MAY, UPON  
48 THE REQUEST OF THE APPROPRIATE SCHOOL AUTHORITY, PLACE, CAUSE TO BE  
49 PLACED, OR PERMIT TO BE PLACED WITHIN THE RIGHT OF WAY OF SUCH HIGHWAY  
50 SIGNS INDICATING AN ASSAULT AND ABDUCTION FREE SCHOOL ZONE.

51 S 4. This act shall take effect on the first of September next  
52 succeeding the date on which it shall have become a law.