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

7126--A

2009-2010 Regular Sessions

I N A S S E M B L Y

March 20, 2009

Introduced by M. of A. ORTIZ, PEOPLES-STOKES, CASTRO, GALEF, HOOPER -- Multi-Sponsored by -- M. of A. BARRON -- read once and referred to the Committee on Economic Development, Job Creation, Commerce and Industry -- recommitted to the Committee on Economic Development, Job Creation, Commerce and Industry in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general business law, in relation to establishing a ten dollar surcharge for customers of sexually oriented businesses; and to amend the state finance law, in relation to establishing the crime victims fund

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

Section 1. The general business law is amended by adding a new section 399-zzz to read as follows:

S 399-ZZZ. SEXUALLY ORIENTED BUSINESS; SURCHARGE. 1. FOR PURPOSES OF THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

A. "NUDE" SHALL MEAN:

(I) ENTIRELY UNCLOTHED; OR

(II) CLOTHED IN A MANNER THAT LEAVES UNCOVERED OR VISIBLE THROUGH LESS THAN FULLY OPAQUE CLOTHING ANY PORTION OF THE BREASTS BELOW THE TOP OF THE AREOLA OF THE BREASTS, IF THE PERSON IS FEMALE, OR ANY PORTION OF THE GENITALS OR BUTTOCKS; AND

B. "SEXUALLY ORIENTED BUSINESS" SHALL MEAN A NIGHTCLUB, BAR, RESTAURANT, OR SIMILAR COMMERCIAL ENTERPRISE THAT PROVIDES FOR AN AUDIENCE OF TWO OR MORE INDIVIDUALS LIVE NUDE ENTERTAINMENT OR LIVE NUDE PERFORMANCES.

2. A SURCHARGE SHALL BE IMPOSED ON A SEXUALLY ORIENTED BUSINESS IN AN AMOUNT EQUAL TO TEN DOLLARS FOR EACH ENTRY BY EACH CUSTOMER ADMITTED TO THE BUSINESS.

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

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3. EACH SEXUALLY ORIENTED BUSINESS SHALL REMIT THE TOTAL OF FUNDS COLLECTED FROM THE SURCHARGE ESTABLISHED PURSUANT TO THIS SECTION TO THE COMMISSIONER OF TAXATION AND FINANCE FOR DEPOSIT INTO THE CRIME VICTIMS FUND ESTABLISHED PURSUANT TO SECTION EIGHTY-SEVEN OF THE STATE FINANCE LAW.

S 2. The state finance law is amended by adding a new section 87 to read as follows:

S 87. CRIME VICTIMS FUND. 1. THERE IS HEREBY ESTABLISHED IN THE JOINT CUSTODY OF THE STATE COMPTROLLER AND THE COMMISSIONER OF TAXATION AND FINANCE A SPECIAL REVENUE FUND TO BE KNOWN AS THE "CRIME VICTIMS FUND".

2. SUCH FUND SHALL CONSIST OF THE REVENUES RECEIVED PURSUANT TO SECTION THREE HUNDRED NINETY-NINE-ZZZ OF THE GENERAL BUSINESS LAW, AND ALL OTHER MONIES APPROPRIATED, CREDITED, OR TRANSFERRED THERETO FROM ANY OTHER FUND OR SOURCE PURSUANT TO LAW.

3. MONIES OF THE FUND WHEN ALLOCATED, SHALL BE MADE AVAILABLE TO THE CRIME VICTIMS BOARD TO FUND PROGRAMS FOR VICTIMS OF CRIME, INCLUDING, BUT NOT LIMITED TO, VICTIMS OF DOMESTIC VIOLENCE, HATE CRIMES, HUMAN TRAFFICKING AND CHILD PROSTITUTION.

4. MONEY SHALL BE PAYABLE FROM THE FUND ON THE AUDIT AND WARRANT OF THE STATE COMPTROLLER ON VOUCHERS APPROVED AND CERTIFIED BY THE COMMISSIONER OF CORRECTIONAL SERVICES.

S 3. This act shall take effect on the thirtieth day after it shall have become a law.