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

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2009-2010 Regular Sessions

I N A S S E M B L Y

April 17, 2009

Introduced by M. of A. P. RIVERA, KOON -- Multi-Sponsored by -- M. of A. ALFANO, TEDISCO -- 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 ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Short title. This act shall be known and may be cited as "Suzanne's Law".

S 2. The penal law is amended by adding a new section 70.12 to read as follows:

S 70.12 SENTENCE OF IMPRISONMENT FOR A CRIME COMMITTED AGAINST A PERSON ON SCHOOL GROUNDS.

1. DEFINITION OF A CRIME COMMITTED AGAINST A PERSON ON SCHOOL GROUNDS. THE TERM "A CRIME COMMITTED AGAINST A PERSON ON SCHOOL GROUNDS" SHALL MEAN ANY OFFENSE DEFINED IN SECTION 120.01 (RECKLESS ASSAULT OF A CHILD BY A CHILD DAY CARE PROVIDER), 120.05 (ASSAULT IN THE SECOND DEGREE), 120.06 (GANG ASSAULT IN THE SECOND DEGREE), 120.07 (GANG ASSAULT IN THE FIRST DEGREE), 120.08 (ASSAULT ON A PEACE OFFICER, POLICE OFFICER, FIREMAN OR EMERGENCY MEDICAL SERVICES PROFESSIONAL), 120.10 (ASSAULT IN THE FIRST DEGREE), 120.11 (AGGRAVATED ASSAULT UPON A POLICE OFFICER OR A PEACE OFFICER), 120.12 (AGGRAVATED ASSAULT UPON A PERSON LESS THAN ELEVEN YEARS OLD), 120.13 (MENACING IN THE FIRST DEGREE), 130.25 (RAPE IN THE THIRD DEGREE), 130.30 (RAPE IN THE SECOND DEGREE), 130.35 (RAPE IN THE FIRST DEGREE), 130.40 (CRIMINAL SEXUAL ACT IN THE THIRD DEGREE), 130.45 (CRIMINAL SEXUAL ACT IN THE SECOND DEGREE), 130.50 (CRIMINAL SEXUAL ACT IN THE FIRST DEGREE), 130.53 (PERSISTENT SEXUAL ABUSE), 130.65 (SEXUAL ABUSE IN THE FIRST DEGREE), 130.65-A (AGGRAVATED SEXUAL ABUSE IN THE FOURTH DEGREE), 130.66 (AGGRAVATED SEXUAL ABUSE IN THE THIRD DEGREE), 130.67 (AGGRAVATED SEXUAL ABUSE IN THE SECOND DEGREE), 130.70 (AGGRAVATED SEXUAL ABUSE IN THE FIRST DEGREE), 130.75 (COURSE OF SEXUAL CONDUCT AGAINST A CHILD IN THE FIRST DEGREE), 130.80 (COURSE OF

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

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SEXUAL CONDUCT AGAINST A CHILD IN THE SECOND DEGREE), 135.10 (UNLAWFUL IMPRISONMENT IN THE FIRST DEGREE), 135.20 (KIDNAPPING IN THE SECOND DEGREE), 135.25 (KIDNAPPING IN THE FIRST DEGREE) OR 135.65 (COERCION IN THE FIRST DEGREE) OF THIS CHAPTER, OR ANY ATTEMPT OR CONSPIRACY TO COMMIT ANY OF THE FOREGOING OFFENSES, WHEN THE OFFENSE (A) CONSTITUTES A FELONY AND (B) OCCURS ON SCHOOL GROUNDS. FOR PURPOSES OF THIS SECTION, "SCHOOL GROUNDS" SHALL MEAN (I) IN OR ON OR WITHIN ANY BUILDING, STRUCTURE, ATHLETIC PLAYING FIELD, PLAYGROUND OR LAND CONTAINED WITHIN THE REAL PROPERTY BOUNDARY LINE OF A PUBLIC OR PRIVATE NURSERY SCHOOL, DAYCARE FACILITY, ELEMENTARY, PAROCHIAL, INTERMEDIATE, JUNIOR HIGH, VOCATIONAL, HIGH SCHOOL, TRADE SCHOOL, JUNIOR COLLEGE, COMMUNITY COLLEGE, COLLEGE, UNIVERSITY OR OTHER INSTITUTION OF HIGHER EDUCATION, OR (II) ANY AREA ACCESSIBLE TO THE PUBLIC LOCATED WITHIN ONE THOUSAND FEET OF THE REAL PROPERTY BOUNDARY LINE COMPRISING ANY SUCH SCHOOL OR ANY PARKED AUTOMOBILE OR OTHER PARKED VEHICLE LOCATED WITHIN ONE THOUSAND FEET OF THE REAL PROPERTY BOUNDARY LINE COMPRISING ANY SUCH SCHOOL. FOR THE PURPOSES OF THIS SECTION AN "AREA ACCESSIBLE TO THE PUBLIC" SHALL MEAN SIDEWALKS, STREETS, PARKING LOTS, PARKS, PLAYGROUNDS, STORES AND RESTAURANTS.

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

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

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

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

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

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

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

S 3. The highway law is amended by adding a new section 317-a to read as follows:

S 317-A. ASSAULT AND ABDUCTION FREE SCHOOL ZONE SIGNS. THE STATE, ANY POLITICAL SUBDIVISION OF THE STATE AND ANY OTHER PUBLIC OR PRIVATE ENTITY HAVING JURISDICTION OVER ANY HIGHWAY WITHIN SCHOOL GROUNDS, AS THAT TERM IS DEFINED IN SUBDIVISION ONE OF SECTION 70.12 OF THE PENAL LAW, MAY, UPON THE REQUEST OF THE APPROPRIATE SCHOOL AUTHORITY, PLACE, CAUSE TO BE PLACED OR PERMIT TO BE PLACED WITHIN THE RIGHT OF WAY OF SUCH HIGHWAY SIGNS INDICATING AN ASSAULT AND ABDUCTION FREE SCHOOL ZONE.

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