

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

9533--A

I N A S S E M B L Y

January 12, 2010

Introduced by M. of A. ESPAILLAT, TITUS, MAYERSOHN, COLTON, GUNTHER, N. RIVERA, CYMBROWITZ, ARROYO, WEISENBERG, DINOWITZ, ORTIZ, GIBSON, MENG, CASTRO, SPANO, ROBINSON, FIELDS, MAISEL, BARRON -- Multi-Sponsored by -- M. of A. ABBATE, BACALLES, BURLING, CRESPO, DenDEKKER, ERRIGO, FINCH, McDONOUGH, NOLAN, PHEFFER, REILLY, TOBACCO, TOWNS, TOWNSEND -- read once and referred to the Committee on Economic Development, Job Creation, Commerce and Industry -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the alcoholic beverage control law, in relation to establishing penalties for persons who sell alcohol to persons under the age of twenty-one years and increasing fines and length of imprisonment for the sale of alcoholic beverages without having the appropriate license

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

1 Section 1. Subdivision 1 of section 130 of the alcoholic beverage
2 control law, as amended by chapter 750 of the laws of 1982, is amended
3 to read as follows:
4 1. Any person who manufactures for sale or sells alcoholic beverages,
5 other than the illicit alcoholic beverages as defined in section one
6 hundred fifty OF THIS CHAPTER, without having an appropriate license
7 therefor, or whose license has been revoked, surrendered or cancelled,
8 shall be guilty of a misdemeanor, and upon first conviction thereof
9 shall be punished by a fine not more than [two] THREE times the cost of
10 a special on premises license in the county where the unlawful act took
11 place or by imprisonment in a county jail or penitentiary for a term of
12 not less than [thirty] SIXTY days nor more than one year or both and
13 upon second conviction thereof shall be punished by a fine not less than
14 [two] THREE times and not more than [three] FOUR times the cost of a
15 special on premises license in the county where the unlawful act took
16 place or by imprisonment in a county jail or penitentiary for a term of
17 not less than [thirty] SIXTY days nor more than one year or both and
18 upon all subsequent convictions thereof shall be punished by a fine not

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

LBD15343-03-0

1 less than [three] FOUR times and not more than [four] FIVE times the
2 cost of a special on premises license in the county where the unlawful
3 act took place or by imprisonment in a county jail or penitentiary for a
4 term of not less than [thirty] SIXTY days nor more than one year or both
5 provided, however, that in default of payment of any fine imposed, such
6 person shall be imprisoned in a county jail or penitentiary for a term
7 of not less than [thirty] SIXTY days.
8 S 2. This act shall take effect on the one hundred twentieth day after
9 it shall have become a law.