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

2624

2009-2010 Regular Sessions

I N S E N A T E

February 25, 2009

Introduced by Sens. PADAVAN, DeFRANCISCO, LARKIN, MORAHAN, VOLKER -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the penal law, in relation to the piercing and branding of the body of a child under the age of eighteen years and making unlawful body marking a class B misdemeanor

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

Section 1. Section 260.21 of the penal law is amended by adding a new subdivision 4 to read as follows:

4. HE OR SHE PIERCES OR BRANDS THE BODY OF A CHILD UNDER THE AGE OF EIGHTEEN YEARS BY MEANS OF BODY PIERCING OR BODY BRANDING INSTRUMENTS; PROVIDED, HOWEVER, THAT SUCH PIERCING OR BRANDING SHALL NOT CONSTITUTE UNLAWFULLY DEALING WITH A CHILD IN THE SECOND DEGREE IF SUCH PIERCING OR BRANDING IS ADMINISTERED WITH THE WRITTEN NOTARIZED CONSENT OF SUCH CHILD'S LEGAL GUARDIAN, PARENT OR PARENTS AND IS FILED IN PERSON AT THE PLACE OF BUSINESS PERFORMING SUCH PIERCING, OR SUCH PIERCING OR BRANDING IS ADMINISTERED AS PART OF A RELIGIOUS CEREMONY OR OBSERVANCE OR SUCH PIERCING OR BRANDING IS ADMINISTERED TO A CHILD WHO IS EMANCIPATED FROM HIS OR HER PARENTS. THIS SUBDIVISION SHALL NOT APPLY TO PIERCING OF EARS.

S 2. The penal law is amended by adding a new section 120.65 to read as follows:

S 120.65 UNLAWFUL BODY MARKING.

A PERSON IS GUILTY OF UNLAWFUL BODY MARKING WHEN, KNOWING THAT A PERSON IS INTOXICATED OR UNDER THE INFLUENCE OF DRUGS, HE OR SHE TATTOOS, BRANDS OR PIERCES THE BODY OF SUCH PERSON BY MEANS OF A BODY TATTOOING, BODY BRANDING OR BODY PIERCING INSTRUMENT.

UNLAWFUL BODY MARKING IS A CLASS B MISDEMEANOR.

S 3. 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.

LBD01995-01-9