

3304

2009-2010 Regular Sessions

I N   S E N A T E

March 16, 2009

---

Introduced by Sen. OPPENHEIMER -- read twice and ordered printed, and  
when printed to be committed to the Committee on Codes

AN ACT to amend the penal law and the vehicle and traffic law, in  
relation to bias-related graffiti

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

1     Section 1. Section 240.31 of the penal law is amended by adding a new  
2     subdivision 1-a to read as follows:  
3     1-A. ETCHES, PAINTS, COVERS, DRAWS UPON OR OTHERWISE PLACES A MARK  
4     UPON PUBLIC OR PRIVATE PROPERTY; OR  
5     S 2. The penal law is amended by adding a new section 60.31 to read as  
6     follows:  
7     S 60.31 AUTHORIZED DISPOSITION; AGGRAVATED HARASSMENT IN THE FIRST  
8     DEGREE.  
9     WHEN A PERSON IS CONVICTED OF AN OFFENSE DEFINED IN SUBDIVISION ONE-A  
10    OF SECTION 240.31 OF THIS CHAPTER, OR OF AN ATTEMPT TO COMMIT SUCH AN  
11    OFFENSE, OR OF A LESSER INCLUDED OFFENSE, IN ADDITION TO ANY OTHER  
12    SENTENCE IMPOSED OR AS A CONDITION OF PROBATION OR CONDITIONAL  
13    DISCHARGE: (1) THE COURT MAY ORDER SUCH PERSON TO PARTICIPATE IN, AT HIS  
14    OWN EXPENSE, A DIVERSITY TRAINING PROGRAM THAT IS DESIGNED TO OVERCOME  
15    DISCRIMINATION, PREJUDICE AND INTOLERANCE, AND THAT PROMOTES COMMUNI-  
16    CATION, UNDERSTANDING AND RESPECT AMONG DIVERSE RACIAL, RELIGIOUS AND  
17    ETHNIC GROUPS AND/OR (2) MAY SUSPEND SUCH INDIVIDUAL'S DRIVER'S LICENSE  
18    OR PRIVILEGE TO DRIVE IN THIS STATE FOR A PERIOD OF UP TO ONE YEAR, OR,  
19    IN THE EVENT SUCH INDIVIDUAL DOES NOT HAVE A DRIVER'S LICENSE, THE COURT  
20    MAY DELAY THE GRANTING OF A DRIVER'S LICENSE FOR A PERIOD OF UP TO ONE  
21    YEAR.  
22    S 3. Section 502 of the vehicle and traffic law is amended by adding a  
23    new subdivision 8 to read as follows:  
24    8. EXCEPTIONS. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION,  
25    THE COMMISSIONER SHALL NOT ISSUE A DRIVER'S LICENSE TO ANY PERSON

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

LBD09201-01-9

1 CONVICTED OF AN OFFENSE DEFINED IN SUBDIVISION ONE-A OF SECTION 240.31  
2 OF THE PENAL LAW, OR OF AN ATTEMPT TO COMMIT SUCH AN OFFENSE, OR OF A  
3 LESSER INCLUDED OFFENSE, UNTIL SUCH TIME AS IMPOSED BY THE SENTENCING  
4 COURT HAS LAPSED.

5 S 4. Subdivision 3 of section 510 of the vehicle and traffic law is  
6 amended by adding a new paragraph j-1 to read as follows:

7 J-1. FOR A PERIOD UP TO ONE YEAR WHERE THE HOLDER HAS BEEN CONVICTED  
8 OF AN OFFENSE DEFINED IN SUBDIVISION ONE-A OF SECTION 240.31 OF THE  
9 PENAL LAW;

10 S 5. This act shall take effect on the first of November next succeed-  
11 ing the date on which it shall have become a law.