

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.