

4612

2009-2010 Regular Sessions

I N S E N A T E

April 24, 2009

Introduced by Sens. ONORATO, HASSELL-THOMPSON, C. JOHNSON, PARKER, SAMPSON, THOMPSON -- read twice and ordered printed, and when printed to be committed to the Committee on Cities

AN ACT to amend the general city law, in relation to authorizing certain cities to restrict the location of retail "adult materials" businesses

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

1 Section 1. Section 20 of the general city law is amended by adding a
2 new subdivision 39 to read as follows:
3 39. IN CITIES HAVING A POPULATION OF ONE MILLION OR MORE, TO PROHIBIT
4 WITHIN FIVE HUNDRED FEET OF A CHURCH, SCHOOL OR RESIDENTIAL AREA, THE
5 RETAIL SALE OR LEASE OF ANY PICTORIAL, VIDEO, THREE-DIMENSIONAL OR OTHER
6 VISUAL REPRESENTATION OF A PERSON OR A PORTION OF THE HUMAN BODY THAT
7 PREDOMINANTLY APPEALS TO THE PRURIENT INTEREST IN SEX AND THAT:
8 A. DEPICTS NUDITY, OR ACTUAL OR SIMULATED SEXUAL CONDUCT OR SADO-MASO-
9 CHISTIC ABUSE; OR
10 B. DEPICTS OR APPEARS TO DEPICT NUDITY, OR ACTUAL OR SIMULATED SEXUAL
11 CONDUCT OR SADO-MASOCHISTIC ABUSE, WITH THE AREA OF THE MALE OR FEMALE
12 SUBJECT'S UNCLOTHED OR APPARENTLY UNCLOTHED GENITALS, PUBIC AREA OR
13 BUTTOCKS, OR OF THE FEMALE SUBJECT'S UNCLOTHED OR APPARENTLY UNCLOTHED
14 BREAST.
15 S 2. This act shall take effect on the thirtieth day after it shall
16 have become a law.

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

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