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

7823

I N S E N A T E

May 13, 2010

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

AN ACT to amend the penal law, the alcoholic beverage control law, the criminal procedure law, the executive law and the general business law, in relation to making conforming technical amendments; to repeal subdivisions 1, 3 and 7 of section 240.35 of the penal law, relating to the offense of loitering; and to repeal certain provisions of the penal law relating thereto

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

Section 1. Subdivisions 1, 3 and 7 of section 240.35 of the penal law are REPEALED.

S 2. Paragraph (b) of subdivision 17 of section 265.00 of the penal law, as amended by section 11 of chapter 635 of the laws of 1999, is amended to read as follows:

(b) any of the following offenses defined in the penal law: illegally using, carrying or possessing a pistol or other dangerous weapon; possession of burglar's tools; criminal possession of stolen property in the third degree; escape in the third degree; jostling; fraudulent accosting; [that kind of loitering defined in subdivision three of section 240.35;] endangering the welfare of a child; the offenses defined in article two hundred thirty-five; issuing abortional articles; permitting prostitution; promoting prostitution in the third degree; stalking in the fourth degree; stalking in the third degree; the offenses defined in article one hundred thirty; the offenses defined in article two hundred twenty.

S 3. Paragraph (b) of subdivision 17 of section 265.00 of the penal law, as amended by section 15 of chapter 635 of the laws of 1999, is REPEALED.

S 4. Paragraph (g) of subdivision 2 of section 102 of the alcoholic beverage control law, as amended by chapter 340 of the laws of 1972, is amended to read as follows:

(g) Violating subdivisions six, eight, ten or eleven of section seven hundred twenty-two of the former penal law as in force and effect imme-

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

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diately prior to September first, nineteen hundred sixty-seven, or violating sections 165.25[,] OR 165.30 [or subdivision three of section 240.35] of the penal law;

S 5. Paragraph (d) of subdivision 1 of section 160.10 of the criminal procedure law, as amended by chapter 344 of the laws of 1976, is amended to read as follows:

[(d) Loitering, as defined in subdivision three of section 240.35 of the penal law; or]

S 6. Subdivision (g) of section 130 of the executive law, as amended by chapter 680 of the laws of 1967, is amended to read as follows:

(g) violating sections two hundred seventy, two hundred seventy-a, two hundred seventy-b, two hundred seventy-c, two hundred seventy-one, two hundred seventy-five, two hundred seventy-six, five hundred fifty, five hundred fifty-one, five hundred fifty-one-a and subdivisions six, eight, ten or eleven of section seven hundred twenty-two of the former penal law as in force and effect immediately prior to September first, nineteen hundred sixty-seven, or violating sections 165.25[,] OR 165.30[,] OR subdivision one of section 240.30[, subdivision three of section 240.35] of the penal law, or violating sections four hundred seventy-eight, four hundred seventy-nine, four hundred eighty, four hundred eighty-one, four hundred eighty-four, four hundred eighty-nine and four hundred ninety-one of the judiciary law; or

S 7. Paragraph (g) of subdivision 2 of section 74 of the general business law, as amended by chapter 680 of the laws of 1967, is amended to read as follows:

(g) violating subdivisions six or eight, of section seven hundred twenty-two of the former penal law as in force and effect immediately prior to September first, nineteen hundred sixty-seven, or violating sections 165.25[,] OR 165.30 [or subdivision three of section 240.35] of the penal law;

S 8. This act shall take effect immediately.