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I N  A S S E M B L Y

March 10, 2010

Introduced by M. of A. CASTELLI -- Multi-Sponsored by -- M. of A. MAGNARELLI, REILLY -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to unlawful defilement of a water supply

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

Section 1. The penal law is amended by adding a new section 490.60 to read as follows:

S 490.60 UNLAWFUL DEFILEMENT OF A WATER SUPPLY.

1. AS USED IN THIS SECTION:

(A) "WATER SUPPLY" MEANS ANY PUBLIC OR PRIVATE TRANSMISSION FACILITY, TREATMENT FACILITY, SOURCE OF SUPPLY FACILITY, WELL OR RESERVOIR, WHICH PROVIDES POTABLE WATER FOR RESIDENTIAL, COMMERCIAL, INDUSTRIAL AND/OR FIRE SERVICE NEEDS.

(B) "DEFILING AGENT" MEANS ANY CHEMICAL, BIOLOGICAL OR RADIOACTIVE AGENT OR SUBSTANCE, WHICH IS CAPABLE, WHEN INTRODUCED OR PLACED INTO A WATER SUPPLY, OF CAUSING THE SICKNESS, PHYSICAL INJURY, SEVERE DISFIGUREMENT, OR DEATH OF A HUMAN BEING, OR CAUSING IRREPARABLE HARM TO SUCH WATER SUPPLY, OR CAUSING A DISTURBANCE TO THE PUBLIC PEACE. A DEFILING AGENT SHALL NOT INCLUDE A SUBSTANCE WHICH IS INTRODUCED OR PLACED INTO A WATER SUPPLY BY ANY MUNICIPAL OR STATE ENTITY, OR WHICH IS INTRODUCED OR PLACED INTO A WATER SUPPLY BY ANY AGRICULTURAL OR INDUSTRIAL ENTITY AS A RESULT OF ITS ORDINARY LAWFUL OPERATIONS.

2. A PERSON IS GUILTY OF UNLAWFUL DEFILEMENT OF A WATER SUPPLY WHEN HE OR SHE INTENTIONALLY INTRODUCES, PLACES, OR CAUSES TO BE INTRODUCED OR PLACED, OR ATTEMPTS TO INTRODUCE, PLACE, OR CAUSE INTRODUCTION OR PLACEMENT, INTO A WATER SUPPLY, A DEFILING AGENT WITH THE INTENT TO CAUSE THE SICKNESS, PHYSICAL INJURY, SEVERE DISFIGUREMENT OR DEATH OF ANOTHER HUMAN BEING, OR WITH THE RECKLESS DISREGARD OF CAUSING THE SICKNESS, PHYSICAL INJURY, SEVERE DISFIGUREMENT, OR DEATH OF ANOTHER HUMAN BEING, OR WITH THE INTENT TO CAUSE IRREPARABLE HARM TO SUCH WATER SUPPLY, OR TO DISTURB THE PUBLIC PEACE.

UNLAWFUL DEFILEMENT OF A WATER SUPPLY IS A CLASS B FELONY.

S 2. 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.

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