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I N   A S S E M B L Y

April 26, 2010

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Introduced by M. of A. SCHIMMINGER, JAFFEE, GABRYSZAK, GALEF, FIELDS,  
PAULIN -- Multi-Sponsored by -- M. of A. HIKIND, KOON, McENENY, PHEF-  
FER -- (at request of the State Liquor Authority) -- read once and  
referred to the Committee on Economic Development, Job Creation,  
Commerce and Industry

AN ACT to amend the alcoholic beverage control law, in relation to the  
conditions precedent to revocation of a license for cause

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

1     Section 1. Section 118 of the alcoholic beverage control law is  
2     amended by adding a new subdivision 4 to read as follows:  
3     4. AS USED IN THIS CHAPTER, THE EXISTENCE OF A SUSTAINED AND CONTINU-  
4     ING PATTERN OF NOISE, DISTURBANCE, MISCONDUCT, OR DISORDER ON OR ABOUT  
5     THE LICENSED PREMISES, RELATED TO THE OPERATION OF THE PREMISES OR THE  
6     CONDUCT OF ITS PATRONS, WILL BE PRESUMED UPON THE SIXTH COMPLAINT OF  
7     NOISE OR DISTURBANCE OR MISCONDUCT OR DISORDER RESPONDED TO BY POLICE  
8     UNITS ON OR ABOUT THE LICENSED PREMISES OR RELATED TO THE OPERATION OF  
9     THE PREMISES OR THE CONDUCT OF ITS PATRONS, IN ANY SIXTY DAY PERIOD,  
10    ABSENT CLEAR AND CONVINCING EVIDENCE OF EITHER FRAUDULENT INTENT ON THE  
11    PART OF ANY COMPLAINANT OR A FACTUAL ERROR WITH RESPECT TO THE CONTENT  
12    OF ANY REPORT CONCERNING SUCH COMPLAINT RELIED UPON BY THE AUTHORITY.  
13    S 2. This act shall take effect immediately.

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

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