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

1179

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. SEMINERIO -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to the suspension of driver's licenses of persons convicted of writing graffiti or possessing graffiti tools

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

Section 1. Section 145.60 of the penal law is amended by adding a new subdivision 3 to read as follows:

3. UPON THE CONVICTION OF ANY PERSON FOR VIOLATING THE PROVISIONS OF THIS SECTION WHO HAS PREVIOUSLY BEEN CONVICTED OF VIOLATING THIS SECTION, THE COURT MAY SUSPEND SUCH INDIVIDUAL'S DRIVER'S LICENSE OR PRIVILEGE TO DRIVE IN THIS STATE FOR A PERIOD OF ONE YEAR, OR, IN THE EVENT SUCH INDIVIDUAL DOES NOT HAVE A DRIVER'S LICENSE, THE COURT MAY DELAY THE GRANTING OF A DRIVER'S LICENSE UNTIL SUCH INDIVIDUAL REACHES NINETEEN YEARS OF AGE OR FOR A PERIOD OF ONE YEAR.

S 2. Section 145.65 of the penal law, as added by chapter 458 of the laws of 1992, is amended to read as follows:

S 145.65 Possession of graffiti instruments.

1. A person is guilty of possession of graffiti instruments when he possesses any tool, instrument, article, substance, solution or other compound designed or commonly used to etch, paint, cover, draw upon or otherwise place a mark upon a piece of property which that person has no permission or authority to etch, paint, cover, draw upon or otherwise mark, under circumstances evincing an intent to use same in order to damage such property.

2. UPON THE CONVICTION OF ANY PERSON FOR VIOLATING THE PROVISIONS OF THIS SECTION WHO HAS PREVIOUSLY BEEN CONVICTED OF VIOLATING THIS SECTION, THE COURT MAY SUSPEND SUCH INDIVIDUAL'S DRIVER'S LICENSE OR PRIVILEGE TO DRIVE IN THIS STATE FOR A PERIOD OF ONE YEAR, OR, IN THE

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

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EVENT SUCH INDIVIDUAL DOES NOT HAVE A DRIVER'S LICENSE, THE COURT MAY DELAY THE GRANTING OF A DRIVER'S LICENSE UNTIL SUCH INDIVIDUAL REACHES NINETEEN YEARS OF AGE OR FOR A PERIOD OF ONE YEAR.

Possession of graffiti instruments is a class [B] A misdemeanor.

S 3. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.