

2170

2009-2010 Regular Sessions

I N A S S E M B L Y

January 15, 2009

Introduced by M. of A. McENENY, GALEF, EDDINGTON -- Multi-Sponsored by
-- M. of A. COLTON, CUSICK, JOHN, KOON -- 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 ASSEM-
BLY, DO ENACT AS FOLLOWS:

1 Section 1. The penal law is amended by adding a new section 270.08 to
2 read as follows:
3 S 270.08 UNLAWFUL DEFILEMENT OF A WATER SUPPLY.
4 1. AS USED IN THIS SECTION:
5 (A) "WATER SUPPLY" MEANS ANY PUBLIC OR PRIVATE TRANSMISSION FACILITY,
6 TREATMENT FACILITY, SOURCE OF SUPPLY FACILITY, WELL OR RESERVOIR, WHICH
7 PROVIDES POTABLE WATER FOR RESIDENTIAL, COMMERCIAL, INDUSTRIAL AND/OR
8 FIRE SERVICE NEEDS.
9 (B) "DEFILING AGENT" MEANS ANY CHEMICAL, BIOLOGICAL OR RADIOACTIVE
10 AGENT OR SUBSTANCE, WHICH IS CAPABLE, WHEN INTRODUCED OR PLACED INTO A
11 WATER SUPPLY, OF CAUSING THE SICKNESS, PHYSICAL INJURY, SEVERE DISFIG-
12 UREMENT, OR DEATH OF A HUMAN BEING, OR CAUSING IRREPARABLE HARM TO SUCH
13 WATER SUPPLY, OR CAUSING A DISTURBANCE TO THE PUBLIC PEACE. A DEFILING
14 AGENT SHALL NOT INCLUDE A SUBSTANCE WHICH IS INTRODUCED OR PLACED INTO A
15 WATER SUPPLY BY ANY MUNICIPAL OR STATE ENTITY, OR WHICH IS INTRODUCED OR
16 PLACED INTO A WATER SUPPLY BY ANY AGRICULTURAL OR INDUSTRIAL ENTITY AS A
17 RESULT OF ITS ORDINARY LAWFUL OPERATIONS.
18 2. A PERSON IS GUILTY OF UNLAWFUL DEFILEMENT OF A WATER SUPPLY WHEN HE
19 INTENTIONALLY INTRODUCES, PLACES, OR CAUSES TO BE INTRODUCED OR PLACED,
20 INTO A WATER SUPPLY, A DEFILING AGENT WITH THE INTENT TO CAUSE THE SICK-
21 NESS, PHYSICAL INJURY, SEVERE DISFIGUREMENT OR DEATH OF ANOTHER HUMAN
22 BEING, OR WITH THE RECKLESS DISREGARD OF CAUSING THE SICKNESS, PHYSICAL
23 INJURY, SEVERE DISFIGUREMENT, OR DEATH OF ANOTHER HUMAN BEING, OR WITH

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

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1 THE INTENT TO CAUSE IRREPARABLE HARM TO SUCH WATER SUPPLY, OR TO DISTURB
2 THE PUBLIC PEACE.
3 UNLAWFUL DEFILEMENT OF A WATER SUPPLY SHALL BE A CLASS B FELONY.
4 S 2. This act shall take effect on the first of November next succeed-
5 ing the date on which it shall have become a law.