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

2257--B

Cal. No. 187

2009-2010 Regular Sessions

I N  A S S E M B L Y

January 15, 2009

Introduced by M. of A. STIRPE, ALFANO, KOON, GUNTHER, JOHN, BENEDETTO, COLTON, FIELDS -- Multi-Sponsored by -- M. of A. ABBATE, BARRA, BOYLAND, CHRISTENSEN, DelMONTE, DESTITO, GALEF, GORDON, HYER-SPENCER, MAYERSOHN, PHEFFER, WEISENBERG -- read once and referred to the Committee on Codes -- reported from committee, advanced to a third reading, amended and ordered reprinted, retaining its place on the order of third reading -- passed by Assembly and delivered to the Senate, recalled from the Senate, vote reconsidered, bill amended, ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the penal law, in relation to the crime of criminal trespass in the second degree

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

Section 1. Section 140.15 of the penal law, as amended by chapter 341 of the laws of 1969, is amended to read as follows:

S 140.15 Criminal trespass in the second degree.

A person is guilty of criminal trespass in the second degree when:

1. he OR SHE knowingly enters or remains unlawfully in a dwelling; OR

2. BEING A PERSON REQUIRED TO MAINTAIN REGISTRATION UNDER ARTICLE SIX-C OF THE CORRECTION LAW AND DESIGNATED A LEVEL TWO OR LEVEL THREE OFFENDER PURSUANT TO SUBDIVISION SIX OF SECTION ONE HUNDRED SIXTY-EIGHT-L OF THE CORRECTION LAW, HE OR SHE ENTERS OR REMAINS IN A PUBLIC OR PRIVATE ELEMENTARY, PAROCHIAL, INTERMEDIATE, JUNIOR HIGH, VOCATIONAL OR HIGH SCHOOL KNOWING THAT THE VICTIM OF THE OFFENSE FOR WHICH SUCH REGISTRATION IS REQUIRED ATTENDS OR FORMERLY ATTENDED SUCH SCHOOL. IT SHALL NOT BE AN OFFENSE SUBJECT TO PROSECUTION UNDER THIS SUBDIVISION IF: THE PERSON IS A LAWFULLY REGISTERED STUDENT AT SUCH SCHOOL; THE PERSON IS A LAWFUL STUDENT PARTICIPANT IN A SCHOOL SPONSORED EVENT; THE PERSON IS A PARENT OR A LEGAL GUARDIAN OF A LAWFULLY REGISTERED STUDENT AT SUCH SCHOOL AND ENTERS THE SCHOOL FOR THE PURPOSE OF ATTENDING THEIR CHILD'S OR DEPENDENT'S EVENT OR ACTIVITY; SUCH SCHOOL IS

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

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THE PERSON'S DESIGNATED POLLING PLACE AND HE OR SHE ENTERS SUCH SCHOOL BUILDING FOR THE LIMITED PURPOSE OF VOTING; OR IF THE PERSON ENTERS SUCH SCHOOL BUILDING FOR THE LIMITED PURPOSES AUTHORIZED BY THE SUPERINTENDENT OR CHIEF ADMINISTRATOR OF SUCH SCHOOL.

Criminal trespass in the second degree is a class A misdemeanor.

S 2. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.