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

5002

2009-2010 Regular Sessions

I N A S S E M B L Y

February 10, 2009

Introduced by M. of A. V. LOPEZ, ALFANO, BARRA -- Multi-Sponsored by -- M. of A. ABBATE, ARROYO, CLARK, DIAZ, DINOWITZ, FARRELL, HIKIND, JACOBS, JOHN, MAGEE, McENENY, MORELLE, ORTIZ, PHEFFER -- read once and referred to the Committee on Codes

AN ACT to amend the penal law and the highway law, in relation to drug free zones

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

Section 1. Subdivision 14 of section 220.00 of the penal law, as amended by chapter 292 of the laws of 1994, is amended to read as follows:

14. "School grounds" means (a) in or on or within any building, structure, athletic playing field, playground or land contained within the real property boundary line of a public or private NURSERY, PRE-KINDERGARTEN, elementary, parochial, intermediate, junior high, vocational, or high school, YOUTH CENTER, DAY CARE CENTER, or (b) any area accessible to the public located within one thousand feet of the real property boundary line comprising any such school, CENTER or any parked automobile or other parked vehicle located within one thousand feet of the real property boundary line comprising any such school. For the purposes of this section an "area accessible to the public" shall mean sidewalks, streets, parking lots, parks, playgrounds, stores and restaurants.

S 2. Section 220.00 of the penal law is amended by adding a new subdivision 18 to read as follows:

18. "CHURCH GROUNDS" MEANS (A) IN OR ON OR WITHIN ANY BUILDING, STRUCTURE, OR LAND CONTAINED WITHIN THE REAL PROPERTY BOUNDARY LINE OF A CHURCH, SYNAGOGUE, OR OTHER PLACE OF WORSHIP, OR (B) ANY AREA ACCESSIBLE TO THE PUBLIC LOCATED WITHIN ONE THOUSAND FEET OF THE REAL PROPERTY BOUNDARY LINE COMPRISING ANY SUCH CHURCH OR ANY PARKED AUTOMOBILE OR OTHER PARKED VEHICLE LOCATED WITHIN ONE THOUSAND FEET OF THE REAL PROPERTY BOUNDARY LINE COMPRISING ANY SUCH CHURCH. FOR THE PURPOSES OF THIS

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

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SECTION AN "AREA ACCESSIBLE TO THE PUBLIC" SHALL MEAN SIDEWALKS, STREETS, PARKING LOTS, PARKS, PLAYGROUNDS, STORES AND RESTAURANTS.

S 3. Section 317 of the highway law, as added by chapter 356 of the laws of 1996, is amended to read as follows:

S 317. Drug free [school] zone signs. Any political subdivision of the state having jurisdiction over any highway within school grounds OR CHURCH GROUNDS, as defined in [subdivision] SUBDIVISIONS fourteen AND EIGHTEEN of section 220.00 of the penal law, may, upon the request of the appropriate school OR CHURCH authority, place, cause to be placed, or permit to be placed within the right of way of such highway signs indicating a drug free [school] zone.

S 4. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.