

5537

2009-2010 Regular Sessions

I N A S S E M B L Y

February 13, 2009

Introduced by M. of A. O'DONNELL -- Multi-Sponsored by -- M. of A. GLICK
-- read once and referred to the Committee on Codes

AN ACT to amend the penal law, the alcoholic beverage control law, the criminal procedure law, the executive law and the general business law, in relation to loitering; and to repeal certain provisions of the penal law relating thereto

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

1 Section 1. Subdivisions 1, 3 and 7 of section 240.35 of the penal law
2 are REPEALED.

3 S 2. Paragraph (b) of subdivision 17 of section 265.00 of the penal
4 law, as amended by section 11 of chapter 635 of the laws of 1999, is
5 amended to read as follows:

6 (b) any of the following offenses defined in the penal law: illegally
7 using, carrying or possessing a pistol or other dangerous weapon;
8 possession of burglar's tools; criminal possession of stolen property in
9 the third degree; escape in the third degree; jostling; fraudulent
10 accosting; [that kind of loitering defined in subdivision three of
11 section 240.35;] endangering the welfare of a child; the offenses
12 defined in article two hundred thirty-five; issuing abortifacient articles;
13 permitting prostitution; promoting prostitution in the third degree;
14 stalking in the fourth degree; stalking in the third degree; the
15 offenses defined in article one hundred thirty; the offenses defined in
16 article two hundred twenty.

17 S 3. Paragraph (b) of subdivision 17 of section 265.00 of the penal
18 law, as amended by section 15 of chapter 635 of the laws of 1999, is
19 amended to read as follows:

20 (b) any of the following offenses defined in the penal law: illegally
21 using, carrying or possessing a pistol or other dangerous weapon;
22 possession of burglar's tools; criminal possession of stolen property in
23 the third degree; escape in the third degree; jostling; fraudulent

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

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1 accosting; [that kind of loitering defined in subdivision three of
2 section 240.35;] endangering the welfare of a child; the offenses
3 defined in article two hundred thirty-five; issuing abortifacient articles;
4 permitting prostitution; promoting prostitution in the third degree;
5 stalking in the third degree; stalking in the fourth degree; the
6 offenses defined in article one hundred thirty; the offenses defined in
7 article two hundred twenty.

8 S 4. Paragraph (g) of subdivision 2 of section 102 of the alcoholic
9 beverage control law, as amended by chapter 340 of the laws of 1972, is
10 amended to read as follows:

11 (g) Violating subdivisions six, eight, ten or eleven of section seven
12 hundred twenty-two of the former penal law as in force and effect imme-
13 diately prior to September first, nineteen hundred sixty-seven, or
14 violating sections 165.25[,] OR 165.30 [or subdivision three of section
15 240.35] of the penal law;

16 S 5. Paragraphs (d) and (e) of subdivision 1 of section 160.10 of the
17 criminal procedure law, paragraph (d) as amended and paragraph (e) as
18 added by chapter 344 of the laws of 1976, are amended to read as
19 follows:

20 (d) [Loitering, as defined in subdivision three of section 240.35 of
21 the penal law; or

22 (e)] Loitering for the purpose of engaging in a prostitution offense
23 as defined in subdivision two of section 240.37 of the penal law.

24 S 6. Subdivision (g) of section 130 of the executive law, as amended
25 by chapter 680 of the laws of 1967, is amended to read as follows:

26 (g) violating sections two hundred seventy, two hundred seventy-a, two
27 hundred seventy-b, two hundred seventy-c, two hundred seventy-one, two
28 hundred seventy-five, two hundred seventy-six, five hundred fifty, five
29 hundred fifty-one, five hundred fifty-one-a and subdivisions six, eight,
30 ten or eleven of section seven hundred twenty-two of the former penal
31 law as in force and effect immediately prior to September first, nine-
32 teen hundred sixty-seven, or violating sections 165.25, 165.30[,] OR
33 subdivision one of section 240.30, [subdivision three of section 240.35]
34 of the penal law, or violating sections four hundred seventy-eight, four
35 hundred seventy-nine, four hundred eighty, four hundred eighty-one, four
36 hundred eighty-four, four hundred eighty-nine and four hundred ninety-
37 one of the judiciary law; or

38 S 7. Paragraph (g) of subdivision 2 of section 74 of the general busi-
39 ness law, as amended by chapter 680 of the laws of 1967, is amended to
40 read as follows:

41 (g) violating [subdivisions six or eight, of section seven hundred
42 twenty-two of the former penal law as in force and effect immediately
43 prior to September first, nineteen hundred sixty-seven, or violating
44 sections] SECTION 165.25[,] OR 165.30 [or subdivision three of section
45 240.35] of the penal law;

46 S 8. This act shall take effect immediately.