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

6270

2009-2010 Regular Sessions

I N A S S E M B L Y

February 27, 2009

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

AN ACT to amend the penal law, in relation to making vehicular display of obscenity a class A misdemeanor

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

Section 1. The penal law is amended by adding two new sections 235.30 and 235.35 to read as follows:

S 235.30 VEHICULAR DISPLAY OF OBSCENITY; DEFINITION OF TERMS.

FOR PURPOSES OF SECTION 235.35 OF THIS ARTICLE, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

1. "OBSCENE" SHALL MEAN ANY MATERIAL THAT THE AVERAGE PERSON WOULD FIND OFFENSIVE TO ACCEPTED STANDARDS OF DECENCY OR MODESTY;

2. "MATERIAL" SHALL MEAN ANYTHING TANGIBLE WHICH IS CAPABLE OF BEING USED OR ADAPTED TO AROUSE INTEREST, WHETHER THROUGH THE MEDIUM OF READING, OBSERVATION, SOUND OR IN ANY OTHER MANNER; AND

3. "DISPLAY" SHALL MEAN ANY MANNER IN WHICH MATERIAL MAY BE MADE VIEWABLE BY ANY PERSON OUTSIDE OF A MOTOR VEHICLE.

S 235.35 VEHICULAR DISPLAY OF OBSCENITY.

A PERSON IS GUILTY OF VEHICULAR DISPLAY OF OBSCENITY WHEN, WHILE OPERATING A MOTOR VEHICLE OR TRAVELING AS A PASSENGER IN A MOTOR VEHICLE, HE OR SHE, KNOWING ITS CONTENT AND CHARACTER, DISPLAYS OR PERMITS TO BE DISPLAYED ANY OBSCENE MATERIAL.

VEHICULAR DISPLAY OF OBSCENITY 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.

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

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