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2009-2010 Regular Sessions

I N A S S E M B L Y

March 11, 2009

Introduced by M. of A. TEDISCO, ERRIGO, WALKER -- Multi-Sponsored by --
M. of A. BACALLES, BURLING, BUTLER, CONTE, CROUCH, FITZPATRICK,
HAWLEY, HAYES, KOLB, McKEVITT, MILLER, OAKS, O'MARA, RAIA -- read once
and referred to the Committee on Codes

AN ACT to amend the penal law and the highway law, in relation to
violence committed on school grounds

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

1 Section 1. Short title. This act shall be known and may be cited as
2 "Suzanne's Law".
3 S 2. The penal law is amended by adding a new section 70.12 to read as
4 follows:
5 S 70.12 SENTENCE OF IMPRISONMENT FOR A CRIME COMMITTED AGAINST A PERSON
6 ON SCHOOL GROUNDS.
7 1. DEFINITION OF A CRIME COMMITTED AGAINST A PERSON ON SCHOOL GROUNDS.
8 THE TERM "A CRIME COMMITTED AGAINST A PERSON ON SCHOOL GROUNDS" SHALL
9 MEAN ANY CRIME DEFINED IN SECTION 120.05 (ASSAULT IN THE SECOND DEGREE),
10 120.06 (GANG ASSAULT IN THE SECOND DEGREE), 120.07 (GANG ASSAULT IN THE
11 FIRST DEGREE), 120.08 (ASSAULT ON A PEACE OFFICER, POLICE OFFICER, FIRE-
12 MAN OR EMERGENCY MEDICAL SERVICES PROFESSIONAL), 120.10 (ASSAULT IN THE
13 FIRST DEGREE), 120.11 (AGGRAVATED ASSAULT UPON A POLICE OFFICER OR A
14 PEACE OFFICER), 120.12 (AGGRAVATED ASSAULT UPON A PERSON LESS THAN ELEV-
15 EN YEARS OLD), 120.13 (MENACING IN THE FIRST DEGREE), 130.25 (RAPE IN
16 THE THIRD DEGREE), 130.30 (RAPE IN THE SECOND DEGREE), 130.35 (RAPE IN
17 THE FIRST DEGREE), 130.40 (CRIMINAL SEXUAL ACT IN THE THIRD DEGREE),
18 130.45 (CRIMINAL SEXUAL ACT IN THE SECOND DEGREE), 130.50 (CRIMINAL
19 SEXUAL ACT IN THE FIRST DEGREE), 130.65 (SEXUAL ABUSE IN THE FIRST
20 DEGREE), 130.66 (AGGRAVATED SEXUAL ABUSE IN THE THIRD DEGREE), 130.67
21 (AGGRAVATED SEXUAL ABUSE IN THE SECOND DEGREE), 130.70 (AGGRAVATED SEXU-
22 AL ABUSE IN THE FIRST DEGREE), 130.75 (COURSE OF SEXUAL CONDUCT AGAINST
23 A CHILD IN THE FIRST DEGREE), 130.80 (COURSE OF SEXUAL CONDUCT AGAINST A

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

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1 CHILD IN THE SECOND DEGREE), 130.95 (PREDATORY SEXUAL ASSAULT), 130.96
2 (PREDATORY SEXUAL ASSAULT AGAINST A CHILD), 135.10 (UNLAWFUL IMPRISON-
3 MENT IN THE FIRST DEGREE), 135.20 (KIDNAPPING IN THE SECOND DEGREE),
4 135.25 (KIDNAPPING IN THE FIRST DEGREE) OR 135.65 (COERCION IN THE FIRST
5 DEGREE) OF THIS CHAPTER, OR ANY ATTEMPT OR CONSPIRACY TO COMMIT ANY OF
6 THE FOREGOING CRIMES, WHEN THE CRIME (A) CONSTITUTES A FELONY AND (B)
7 OCCURS ON SCHOOL GROUNDS. FOR PURPOSES OF THIS SECTION, "SCHOOL GROUNDS"
8 SHALL MEAN (I) IN OR ON OR WITHIN ANY BUILDING, STRUCTURE, ATHLETIC
9 PLAYING FIELD, PLAYGROUND OR LAND CONTAINED WITHIN THE REAL PROPERTY
10 BOUNDARY LINE OF A PUBLIC OR PRIVATE NURSERY SCHOOL, DAYCARE FACILITY,
11 ELEMENTARY, PAROCHIAL, INTERMEDIATE, JUNIOR HIGH, VOCATIONAL, HIGH
12 SCHOOL, TRADE SCHOOL, JUNIOR COLLEGE, COMMUNITY COLLEGE, COLLEGE,
13 UNIVERSITY OR OTHER INSTITUTION OF HIGHER EDUCATION, OR (II) ANY AREA
14 ACCESSIBLE TO THE PUBLIC LOCATED WITHIN ONE THOUSAND FEET OF THE REAL
15 PROPERTY BOUNDARY LINE COMPRISING ANY SUCH SCHOOL OR ANY PARKED AUTOMO-
16 BILE OR OTHER PARKED VEHICLE LOCATED WITHIN ONE THOUSAND FEET OF THE
17 REAL PROPERTY BOUNDARY LINE COMPRISING ANY SUCH SCHOOL. FOR THE PURPOSES
18 OF THIS SECTION, "AREA ACCESSIBLE TO THE PUBLIC" SHALL MEAN SIDEWALKS,
19 STREETS, PARKING LOTS, PARKS, PLAYGROUNDS, STORES AND RESTAURANTS.

20 2. AUTHORIZED SENTENCE. (A) NOTWITHSTANDING ANY OTHER PROVISION OF
21 LAW, WHEN A PERSON IS CONVICTED OF A CRIME COMMITTED AGAINST A PERSON ON
22 SCHOOL GROUNDS WHICH IS A CLASS C, D, OR E FELONY, THE CRIME SHALL BE
23 DEEMED TO BE ONE CATEGORY HIGHER THAN THE CRIME THE PERSON COMMITTED, OR
24 ATTEMPTED OR CONSPIRED TO COMMIT.

25 (B) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, WHEN A PERSON IS
26 CONVICTED OF A CRIME COMMITTED AGAINST A PERSON ON SCHOOL GROUNDS WHICH
27 IS A CLASS B FELONY:

28 (I) THE MAXIMUM TERM OF THE INDETERMINATE SENTENCE MUST BE AT LEAST
29 SIX YEARS IF THE DEFENDANT IS SENTENCED PURSUANT TO SECTION 70.00 OF
30 THIS ARTICLE;

31 (II) THE TERM OF THE DETERMINATE SENTENCE MUST BE AT LEAST EIGHT YEARS
32 IF THE DEFENDANT IS SENTENCED PURSUANT TO SECTION 70.02 OF THIS ARTICLE;

33 (III) THE TERM OF THE DETERMINATE SENTENCE MUST BE AT LEAST TWELVE
34 YEARS IF THE DEFENDANT IS SENTENCED PURSUANT TO SECTION 70.04 OF THIS
35 ARTICLE;

36 (IV) THE MAXIMUM TERM OF THE INDETERMINATE SENTENCE MUST BE AT LEAST
37 FOUR YEARS IF THE DEFENDANT IS SENTENCED PURSUANT TO SECTION 70.05 OF
38 THIS ARTICLE; AND

39 (V) THE MAXIMUM TERM OF THE INDETERMINATE SENTENCE OR THE TERM OF THE
40 DETERMINATE SENTENCE MUST BE AT LEAST TEN YEARS IF THE DEFENDANT IS
41 SENTENCED PURSUANT TO SECTION 70.06 OF THIS ARTICLE.

42 S 3. The highway law is amended by adding a new section 318 to read as
43 follows:

44 S 318. ASSAULT AND ABDUCTION FREE SCHOOL ZONE SIGNS. THE STATE, ANY
45 POLITICAL SUBDIVISION OF THE STATE AND ANY OTHER PUBLIC OR PRIVATE ENTI-
46 TY HAVING JURISDICTION OVER ANY HIGHWAY WITHIN SCHOOL GROUNDS, AS
47 DEFINED IN SUBDIVISION ONE OF SECTION 70.12 OF THE PENAL LAW, MAY, UPON
48 THE REQUEST OF THE APPROPRIATE SCHOOL AUTHORITY, PLACE, CAUSE TO BE
49 PLACED, OR PERMIT TO BE PLACED WITHIN THE RIGHT OF WAY OF SUCH HIGHWAY
50 SIGNS INDICATING AN ASSAULT AND ABDUCTION FREE SCHOOL ZONE.

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