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

6864

2009-2010 Regular Sessions

I N A S S E M B L Y

March 13, 2009

Introduced by M. of A. SCOZZAFAVA, McDONOUGH -- Multi-Sponsored by -- M. of A. ALFANO, BACALLES, BARCLAY, BARRA, BURLING, BUTLER, CALHOUN, CONTE, CROUCH, ERRIGO, FINCH, FITZPATRICK, GIGLIO, HAYES, KOLB, MILLER, OAKS, O'MARA, QUINN, RABBITT, RAIA, REILICH, SALADINO, SAYWARD, TEDISCO, THIELE, TOWNSEND, WALKER -- read once and referred to the Committee on Codes

AN ACT to amend the penal law and the correction law, in relation to the sanctions for repeat offenses of the crime of public lewdness

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

Section 1. Section 245.00 of the penal law, as amended by chapter 748 of the laws of 1968, is amended to read as follows:

S 245.00 Public lewdness.

A person is guilty of public lewdness when he OR SHE intentionally exposes the private or intimate parts of his OR HER body in a lewd manner or commits any other lewd act (a) in a public place, or (b) in private premises under circumstances in which he OR SHE may readily be observed from either a public place or from other private premises, and with intent that he OR SHE be so observed.

Public lewdness is a class B misdemeanor.

A SECOND OFFENSE UNDER THIS SECTION COMMITTED WITHIN A TEN YEAR PERIOD IS A CLASS A MISDEMEANOR.

A THIRD OR SUBSEQUENT OFFENSE UNDER THIS SECTION COMMITTED WITHIN A TEN YEAR PERIOD IS A CLASS E FELONY.

S 2. Paragraph (e) of subdivision 2 of section 168-a of the correction law, as added by chapter 69 of the laws of 2003, is amended to read as follows:

(e) a conviction of any of the provisions of subdivision two, three or four of section 250.45 OR SECTION 245.00 of the penal law, unless upon motion by the defendant, the trial court, having regard to the nature and circumstances of the crime and to the history and character of the

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

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defendant, is of the opinion that registration would be unduly harsh and inappropriate.

S 3. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.