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

8268

2009-2010 Regular Sessions

I N A S S E M B L Y

May 11, 2009

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

AN ACT to amend the penal law, in relation to the crime of making graffiti

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 a new section 145.62 to read as follows:

S 145.62 MAKING GRAFFITI; ENFORCEMENT.

IN ADDITION TO ANY OTHER FINE OR PENALTY AUTHORIZED BY THIS CHAPTER OR ANY OTHER PROVISION OF LAW, WHEN IMPOSING A FINE OR SENTENCE OF IMPRISONMENT FOR A CONVICTION OF THE CRIME OF MAKING GRAFFITI PURSUANT TO SECTION 145.60 OF THIS ARTICLE, THE COURT MAY:

1. REQUIRE THE DEFENDANT TO SUBMIT TO THE USE OF AN ELECTRONIC MONITORING DEVICE AND/OR TO FOLLOW A SCHEDULE THAT GOVERNS THE DEFENDANT'S DAILY MOVEMENT. SUCH CONDITION MAY BE IMPOSED ONLY WHERE THE COURT, IN ITS DISCRETION, DETERMINES THAT REQUIRING THE DEFENDANT TO COMPLY WITH SUCH CONDITION WILL ADVANCE PUBLIC SAFETY. ELECTRONIC MONITORING SHALL BE USED IN ACCORDANCE WITH UNIFORM PROCEDURES DEVELOPED BY THE DIVISION OF PROBATION AND CORRECTIONAL ALTERNATIVES; OR

2. COMPLETE ONE HUNDRED HOURS OF COMMUNITY SERVICE.

S 2. This act shall take effect on the sixtieth day after 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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