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

942

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. McDONOUGH, CALHOUN, FINCH -- Multi-Sponsored by -- M. of A. BOYLAND, GIGLIO, MILLER, WALKER -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to the offense of failing to secure a swimming pool

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 270.40 to read as follows:

S 270.40 FAILURE TO SECURE A SWIMMING POOL.

A PERSON IS GUILTY OF FAILURE TO SECURE A SWIMMING POOL WHEN:

1. BEING THE OWNER OF REAL PROPERTY UPON WHICH A SWIMMING POOL IS LOCATED SUCH PERSON FAILS TO SECURE SUCH SWIMMING POOL AS REQUIRED BY SECTION THREE HUNDRED NINETY-D OF THE SOCIAL SERVICES LAW OR ANY OTHER LAW, CODE, RULE, REGULATION OR ORDINANCE; AND

2. AS A RESULT OF SUCH FAILURE ANY PERSON DIES AS A RESULT OF DROWNING IN SUCH POOL.

FAILURE TO SECURE A SWIMMING POOL 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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