

1478

2009-2010 Regular Sessions

I N S E N A T E

February 2, 2009

Introduced by Sens. SKELOS, ALESI, FARLEY, FUSCHILLO, GOLDEN, HANNON, LAVALLE, LEIBELL, MAZIARZ, SALAND, SEWARD -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the penal law, in relation to establishing the offense of unlawfully residing or entering upon school grounds

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

1 Section 1. The penal law is amended by adding two new sections 130.82
2 and 130.83 to read as follows:
3 S 130.82 UNLAWFULLY RESIDING OR ENTERING UPON SCHOOL GROUNDS IN THE
4 SECOND DEGREE.
5 A PERSON IS GUILTY OF UNLAWFULLY RESIDING OR ENTERING UPON SCHOOL
6 GROUNDS IN THE SECOND DEGREE WHEN, HAVING BEEN CONVICTED OF AN OFFENSE
7 DEFINED IN SUBDIVISION TWO OR THREE OF SECTION ONE HUNDRED SIXTY-EIGHT-A
8 OF THE CORRECTION LAW, HE OR SHE KNOWINGLY RESIDES WITHIN, OR ENTERS
9 INTO OR UPON ANY SCHOOL GROUNDS, AS DEFINED IN SUBDIVISION FOURTEEN OF
10 SECTION 220.00 OF THIS CHAPTER, DURING THE PERIOD OF TIME HE OR SHE IS
11 REQUIRED TO REGISTER AND VERIFY PURSUANT TO SECTION ONE HUNDRED
12 SIXTY-EIGHT-H OF THE CORRECTION LAW.
13 IT SHALL BE AN AFFIRMATIVE DEFENSE TO THE CRIME OF UNLAWFULLY RESIDING
14 OR ENTERING UPON SCHOOL GROUNDS IN THE SECOND DEGREE THAT THE DEFENDANT
15 (1) IS A REGISTERED STUDENT OR AN EMPLOYEE OF A SCHOOL UPON SUCH SCHOOL
16 GROUNDS, OR HAS A FAMILY MEMBER ENROLLED IN A SCHOOL UPON SUCH SCHOOL
17 GROUNDS, AND (2) ENTERED UPON SUCH SCHOOL GROUNDS FOR THE LIMITED
18 PURPOSES AUTHORIZED BY THE SUPERINTENDENT OR CHIEF ADMINISTRATOR OF SUCH
19 SCHOOL.
20 UNLAWFULLY RESIDING OR ENTERING UPON SCHOOL GROUNDS IN THE SECOND
21 DEGREE IS A CLASS A MISDEMEANOR.
22 S 130.83 UNLAWFULLY RESIDING OR ENTERING UPON SCHOOL GROUNDS IN THE
23 FIRST DEGREE.

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

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1 A PERSON IS GUILTY OF UNLAWFULLY RESIDING OR ENTERING UPON SCHOOL
2 GROUNDS IN THE FIRST DEGREE WHEN HE OR SHE COMMITS THE OFFENSE OF UNLAW-
3 FULLY RESIDING OR ENTERING UPON SCHOOL GROUNDS IN THE SECOND DEGREE, AS
4 DEFINED IN SECTION 130.82 OF THIS ARTICLE, AND HAS BEEN CONVICTED OF
5 UNLAWFULLY RESIDING OR ENTERING UPON SCHOOL GROUNDS IN THE FIRST OR
6 SECOND DEGREE IN THE PREVIOUS FIVE YEARS.
7 UNLAWFULLY RESIDING OR ENTERING UPON SCHOOL GROUNDS IN THE FIRST
8 DEGREE IS A CLASS E FELONY.
9 S 2. This act shall take effect on the first of November next succeed-
10 ing the date on which it shall have become a law.