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

154

2009-2010 Regular Sessions

I N S E N A T E

(PREFILED)

January 7, 2009

Introduced by Sen. KRUGER -- 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 increasing the penalties for loitering for the purpose of engaging in a prostitution offense on or near school grounds

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

Section 1. Section 240.37 of the penal law is amended by adding a new subdivision 4 to read as follows:

4. ANY PERSON WHO REMAINS OR WANDERS ON OR NEAR SCHOOL GROUNDS AND REPEATEDLY ATTEMPTS TO STOP, OR REPEATEDLY ATTEMPTS TO ENGAGE PASSERSBY IN CONVERSATION, OR REPEATEDLY STOPS OR ATTEMPTS TO STOP MOTOR VEHICLES, OR REPEATEDLY INTERFERES WITH THE FREE PASSAGE OF OTHER PERSONS, FOR THE PURPOSE OF PROSTITUTION OR PATRONIZING A PROSTITUTE AS DEFINED IN ARTICLE TWO HUNDRED THIRTY OF THIS PART IS GUILTY OF A CLASS A MISDEMEANOR. ANY PERSON WHO REMAINS OR WANDERS ON OR NEAR SCHOOL GROUNDS AND REPEATEDLY ATTEMPTS TO STOP, OR REPEATEDLY ATTEMPTS TO ENGAGE PASSERSBY IN CONVERSATION, OR REPEATEDLY STOPS OR ATTEMPTS TO STOP MOTOR VEHICLES, OR REPEATEDLY INTERFERES WITH THE FREE PASSAGE OF OTHER PERSONS, FOR THE PURPOSE OF PROMOTING PROSTITUTION AS DEFINED IN ARTICLE TWO HUNDRED THIRTY OF THIS PART IS GUILTY OF A CLASS A MISDEMEANOR AND IS GUILTY OF A CLASS E FELONY IF SUCH PERSON HAS PREVIOUSLY BEEN CONVICTED OF A VIOLATION OF THIS SUBDIVISION. FOR THE PURPOSES OF THIS SECTION, "SCHOOL GROUNDS" MEANS, (A) IN OR ON OR WITHIN ANY BUILDING, STRUCTURE, ATHLETIC PLAYING FIELD, PLAYGROUND OR LAND CONTAINED WITHIN THE REAL PROPERTY BOUNDARY LINE OF A PUBLIC, PAROCHIAL OR PRIVATE LICENSED DAY-CARE, NURSERY, ELEMENTARY, JUNIOR HIGH, VOCATIONAL OR HIGH SCHOOL, OR (B) ANY AREA ACCESSIBLE TO THE PUBLIC LOCATED WITHIN ONE THOUSAND FEET OF THE REAL PROPERTY BOUNDARY LINE COMPRISING ANY SUCH SCHOOL OR ANY PARKED AUTOMOBILE OR OTHER PARKED VEHICLE LOCATED WITHIN ONE THOUSAND FEET OF THE

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

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REAL PROPERTY BOUNDARY LINE COMPRISING ANY SUCH SCHOOL. FOR THE PURPOSES OF THIS SECTION AN "AREA ACCESSIBLE TO THE PUBLIC" SHALL MEAN SIDEWALKS, STREETS, PARKING LOTS, PLAYGROUNDS, STORES AND RESTAURANTS.

S 2. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.