

2144

2009-2010 Regular Sessions

I N S E N A T E

February 11, 2009

Introduced by Sen. KRUGER -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations

AN ACT to amend the alcoholic beverage control law, in relation to penalties for violations thereof

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

1 Section 1. Subdivision 1 of section 130 of the alcoholic beverage
2 control law, as amended by chapter 750 of the laws of 1982, is amended
3 to read as follows:
4 1. Any person who manufactures for sale or sells alcoholic beverages,
5 other than the illicit alcoholic beverages as defined in section one
6 hundred fifty OF THIS CHAPTER, without having an appropriate license
7 therefor, or whose license has been revoked, surrendered or cancelled,
8 shall be guilty of a misdemeanor, and upon first conviction thereof
9 shall be punished by a fine [not more than two] THREE times the cost of
10 a special THREE YEAR on premises license in the county where the unlaw-
11 ful act took place or by imprisonment in a county jail or penitentiary
12 for a term of not less than thirty days nor more than one year or both
13 and upon [second conviction] ALL SUBSEQUENT CONVICTIONS thereof shall be
14 punished by a fine [not less than two times and not more than three]
15 FIVE times the cost of a special THREE YEAR on premises license in the
16 county where the unlawful act took place or by imprisonment in a county
17 jail or penitentiary for a term of not less than thirty days nor more
18 than one year or both [and upon all subsequent convictions thereof shall
19 be punished by a fine not less than three times and not more than four
20 times the cost of a special on premises license in the county where the
21 unlawful act took place or by imprisonment in a county jail or peniten-
22 tiary for a term of not less than thirty days nor more than one year or
23 both] provided, however, that in default of payment of any fine imposed,

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

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1 such person shall be imprisoned in a county jail or penitentiary for a
2 term of not less than thirty days.
3 S 2. This act shall take effect on the first of November next succeed-
4 ing the date on which it shall have become a law.