

2301

2009-2010 Regular Sessions

I N   S E N A T E

February 17, 2009

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Introduced by Sen. PADAVAN -- 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 making shipboard gambling a class E felony

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 a new section 225.45 to  
2 read as follows:  
3     S 225.45 SHIPBOARD GAMBLING.  
4     1. A PERSON IS GUILTY OF SHIPBOARD GAMBLING WHEN HE OR SHE:  
5     (A) ENGAGES IN ANY GAMBLING ACTIVITY PROHIBITED UNDER THIS ARTICLE ON  
6 A VESSEL THAT EMBARKS FROM ANY POINT WITHIN THE STATE, AND DISEMBARKS AT  
7 THE SAME OR ANOTHER POINT WITHIN THE STATE, DURING WHICH TIME HE OR SHE  
8 KNOWINGLY CAUSES OR PERMITS SUCH GAMBLING ACTIVITY TO BE CONDUCTED,  
9 WHETHER WITHIN OR WITHOUT THE WATERS OF THE STATE; OR  
10     (B) MANAGES, SUPERVISES, CONTROLS, OPERATES OR OWNS ANY VESSEL THAT  
11 EMBARKS FROM ANY POINT WITHIN THE STATE, AND DISEMBARKS AT THE SAME OR  
12 ANOTHER POINT WITHIN THE STATE, DURING WHICH TIME HE OR SHE KNOWINGLY  
13 CAUSES OR PERMITS ANY GAMBLING ACTIVITY PROHIBITED UNDER THIS ARTICLE,  
14 WHETHER WITHIN OR WITHOUT THE WATERS OF THE STATE.  
15     2. THIS SECTION SHALL NOT APPLY TO GAMBLING ACTIVITY CONDUCTED ON  
16 UNITED STATES-FLAGGED OR FOREIGN-FLAGGED VESSELS DURING TRAVEL FROM A  
17 FOREIGN NATION OR ANOTHER STATE OR POSSESSION OF THE UNITED STATES UP TO  
18 THE POINT OF FIRST ENTRY INTO NEW YORK WATERS OR DURING TRAVEL TO A  
19 FOREIGN NATION OR ANOTHER STATE OR POSSESSION OF THE UNITED STATES FROM  
20 THE POINT OF DEPARTURE FROM NEW YORK WATERS, PROVIDED THAT NOTHING HERE-  
21 IN SHALL PRECLUDE PROSECUTION FOR ANY OTHER OFFENSE UNDER THIS ARTICLE.  
22     SHIPBOARD GAMBLING IS A CLASS E FELONY.  
23     S 2. This act shall take effect on the first of November next succeed-  
24 ing 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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