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

4012

2009-2010 Regular Sessions

I N S E N A T E

April 7, 2009

Introduced by Sen. MORAHAN -- 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 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 WITH A FENCE AS REQUIRED BY ANY 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.

LBD11017-01-9