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

445

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 Transportation

AN ACT to amend the transportation law, in relation to prohibition against graffiti in transportation facilities

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

Section 1. The transportation law is amended by adding a new section 148 to read as follows:

S 148. UNLAWFUL GRAFFITI IN A TRANSPORTATION FACILITY. 1. THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

(A) "GRAFFITI" MEANS SCRIBBLING, WRITING, SCRATCH, SLOGAN, DRAWING, PAINTING OR INSCRIPTION.

(B) "TRANSPORTATION FACILITY OR CONVEYANCE" MEANS ANY CONVEYANCE, PREMISES OR PLACE USED FOR OR IN CONNECTION WITH PUBLIC PASSENGER TRANSPORTATION, WHETHER BY RAILROAD, SUBWAY OR BUS. IT SHALL INCLUDE RAILROAD CARS, SUBWAY CARS, AND BUSES, AND RAILROAD, SUBWAY AND BUS TERMINALS, STATIONS, DEPOTS, MAINTENANCE SHOPS, STORAGE FACILITIES AND ALL APPURTENANCES THERETO, INCLUDING STANCHIONS, PEDESTRIAN BRIDGES, OVERHEAD BRIDGES AND THEIR ABUTMENTS, UNDERPASSES, RAILROAD TRACKS, TUNNELS AND PLATFORMS.

2. A PERSON IS GUILTY OF UNLAWFUL GRAFFITI IN A TRANSPORTATION FACILITY WHEN, HAVING NO RIGHT TO DO SO NOR ANY REASONABLE GROUND TO BELIEVE THAT HE OR SHE HAS SUCH RIGHT, HE OR SHE DEFACES A TRANSPORTATION FACILITY OR CONVEYANCE BY INTENTIONALLY CAUSING GRAFFITI TO BE PLACED IN ANY MANNER ON A TRANSPORTATION FACILITY OR CONVEYANCE.

3. UNLAWFUL GRAFFITI IS A CLASS B MISDEMEANOR; PROVIDED, HOWEVER, THAT ANY SENTENCE FOR SUCH CRIME OR ATTEMPT TO COMMIT SUCH CRIME SHALL AT LEAST BE OR INCLUDE A FINE OR A CONDITIONAL DISCHARGE WHICH SHALL INCLUDE AS A CONDITION THAT THE DEFENDANT PERFORM SERVICES FOR A PUBLIC

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

LBD03595-01-9

CORPORATION, ASSOCIATION, INSTITUTION OR AGENCY RESPONSIBLE FOR A TRANSPORTATION FACILITY OR CONVEYANCE.

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