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

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2011-2012 Regular Sessions

I N A S S E M B L Y

February 9, 2011

Introduced by M. of A. TOWNS, M. MILLER, P. RIVERA -- Multi-Sponsored by -- M. of A. GIBSON, McKEVITT -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to creating a hazard

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

Section 1. Section 270.10 of the penal law is amended to read as follows:

S 270.10 Creating a hazard.

A person is guilty of creating a hazard when:

1. Having discarded in any place where it might attract children, a container which has a compartment of more than one and one-half cubic feet capacity and a door or lid which locks or fastens automatically when closed and which cannot easily be opened from the inside, he OR SHE fails to remove the door, lid, locking or fastening device; or

2. Being the owner or otherwise having possession of property upon which an abandoned well or cesspool is located, he OR SHE fails to cover the same with suitable protective construction; OR

3. ABANDONS IN A PUBLIC PLACE ANY CONTROLLED SUBSTANCE OR DANGEROUS DRUG AS DEFINED IN ARTICLE TWO HUNDRED TWENTY OR ARTICLE TWO HUNDRED TWENTY-ONE OF THIS CHAPTER. FOR THE PURPOSES OF THIS SUBDIVISION, THE TERM "ABANDONS" SHALL MEAN TO VOLUNTARILY DISCARD, LEAVE BEHIND OR RELINQUISH HIS OR HER INTEREST IN SUCH PROPERTY DESCRIBED IN THIS SECTION.

Creating a hazard is a class B 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.

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