

1880

2011-2012 Regular Sessions

I N S E N A T E

January 13, 2011

Introduced by Sen. ESPAILLAT -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection

AN ACT to amend the general business law and the alcoholic beverage control law, in relation to establishing penalties for persons who sell alcohol to persons under the age of twenty-one years and increasing fines and length of imprisonment for the sale of alcoholic beverages without having the appropriate license

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

1 Section 1. Subdivision (a) of section 441 of the general business law
2 is amended by adding a new paragraph 10 to read as follows:
3 10. CONVICTION UNDER SUBDIVISION TWO OF SECTION 260.20 OF THE PENAL
4 LAW OR SUBDIVISION ONE OF SECTION SIXTY-FIVE OF THE ALCOHOLIC BEVERAGE
5 CONTROL LAW.
6 S 2. Subdivision 1 of section 130 of the alcoholic beverage control
7 law, as amended by chapter 750 of the laws of 1982, is amended to read
8 as follows:
9 1. Any person who manufactures for sale or sells alcoholic beverages,
10 other than the illicit alcoholic beverages as defined in section one
11 hundred fifty OF THIS CHAPTER, without having an appropriate license
12 therefor, or whose license has been revoked, surrendered or cancelled,
13 shall be guilty of a misdemeanor, and upon first conviction thereof
14 shall be punished by a fine not more than [two] THREE times the cost of
15 a special on premises license in the county where the unlawful act took
16 place or by imprisonment in a county jail or penitentiary for a term of
17 not less than [thirty] SIXTY days nor more than one year or both and
18 upon second conviction thereof shall be punished by a fine not less than
19 [two] THREE times and not more than [three] FOUR times the cost of a
20 special on premises license in the county where the unlawful act took
21 place or by imprisonment in a county jail or penitentiary for a term of
22 not less than [thirty] SIXTY days nor more than one year or both and

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

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1 upon all subsequent convictions thereof shall be punished by a fine not
2 less than [three] FOUR times and not more than [four] FIVE times the
3 cost of a special on premises license in the county where the unlawful
4 act took place or by imprisonment in a county jail or penitentiary for a
5 term of not less than [thirty] SIXTY days nor more than one year or both
6 provided, however, that in default of payment of any fine imposed, such
7 person shall be imprisoned in a county jail or penitentiary for a term
8 of not less than [thirty] SIXTY days.
9 S 3. This act shall take effect on the one hundred twentieth day after
10 it shall have become a law.