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

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I N S E N A T E

March 13, 2012

Introduced by Sen. KLEIN -- 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 criminal trespass and burglary upon the premises of a pharmacy

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

Section 1. Section 140.00 of the penal law is amended by adding a new subdivision 6 to read as follows:

6. "PHARMACY" MEANS THAT AREA WITHIN A BUILDING AT WHICH THE PRACTICE OF THE PROFESSION OF PHARMACY IS CONDUCTED PURSUANT TO ARTICLE ONE HUNDRED THIRTY-SEVEN OF THE EDUCATION LAW.

S 2. Subdivision 1 of section 140.15 of the penal law, as amended by chapter 315 of the laws of 2010, is amended to read as follows:

1. he or she knowingly enters or remains unlawfully in a dwelling OR A PHARMACY; or

S 3. Subdivision 2 of section 140.25 of the penal law, as amended by chapter 361 of the laws of 1981, is amended to read as follows:

2. The building is a dwelling, OR THE PORTION OF THE BUILDING THAT IS A PHARMACY.

S 4. The opening paragraph of section 140.30 of the penal law, as amended by chapter 361 of the laws of 1981, is amended to read as follows:

A person is guilty of burglary in the first degree when he OR SHE knowingly enters or remains unlawfully in a dwelling OR A PHARMACY with intent to commit a crime therein, and when, in effecting entry or while in the dwelling or in immediate flight therefrom, he OR SHE or another participant in the crime:

S 5. 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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