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

1058

2013-2014 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 9, 2013

Introduced by M. of A. RODRIGUEZ -- read once and referred 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.

LBD02969-01-3