

5945

2013-2014 Regular Sessions

I N A S S E M B L Y

March 8, 2013

Introduced by M. of A. SCHIMMINGER, GABRYSZAK, WEISENBERG, MOYA --  
Multi-Sponsored by -- M. of A. THIELE -- read once and referred to  
the Committee on Economic Development

AN ACT to amend the alcoholic beverage control law, in relation to  
imposing additional fines when a person fails to appear before the  
court, pay fines or complete counseling and/or community service as  
mandated for certain convictions

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

1 Section 1. Subdivision 3 of section 65-c of the alcoholic beverage  
2 control law, as amended by chapter 137 of the laws of 2001, is amended  
3 to read as follows:

4 3. (A) Any person who unlawfully possesses an alcoholic beverage with  
5 intent to consume may be summoned before and examined by a court having  
6 jurisdiction of that charge; provided, however, that nothing contained  
7 herein shall authorize, or be construed to authorize, a peace officer as  
8 defined in subdivision thirty-three of section 1.20 of the criminal  
9 procedure law or a police officer as defined in subdivision thirty-four  
10 of section 1.20 of such law to arrest a person who unlawfully possesses  
11 an alcoholic beverage with intent to consume. If a determination is made  
12 sustaining such charge the court may impose a fine not exceeding fifty  
13 dollars and/or completion of an alcohol awareness program established  
14 pursuant to section 19.25 of the mental hygiene law and/or an appropri-  
15 ate amount of community service not to exceed thirty hours.

16 (B) IN THE EVENT A PERSON WHO HAS BEEN ALLEGED TO HAVE OR HAS BEEN  
17 DETERMINED TO HAVE UNLAWFULLY POSSESSED AN ALCOHOLIC BEVERAGE WITH  
18 INTENT TO CONSUME FAILS TO APPEAR BEFORE THE COURT, FAILS TO PAY SUCH  
19 FINE AS MAY BE SET BY THE COURT, OR COMPLETE AN ALCOHOL AWARENESS  
20 PROGRAM ESTABLISHED PURSUANT TO SECTION 19.25 OF THE MENTAL HYGIENE LAW  
21 AND/OR COMMUNITY SERVICE AS REQUIRED BY THE COURT WITHIN SUCH TIME AS

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

LBD04683-02-3

1 DETERMINED BY THE COURT, THE COURT MAY IMPOSE AN ADDITIONAL FINE OF NOT  
2 MORE THAN FIVE HUNDRED DOLLARS.  
3 S 2. This act shall take effect on the ninetieth day after it shall  
4 have become a law.