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

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 ASSEMBLY, DO ENACT AS FOLLOWS:

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

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

(B) IN THE EVENT A PERSON WHO HAS BEEN ALLEGED TO HAVE OR HAS BEEN DETERMINED TO HAVE UNLAWFULLY POSSESSED AN ALCOHOLIC BEVERAGE WITH INTENT TO CONSUME FAILS TO APPEAR BEFORE THE COURT, FAILS TO PAY SUCH FINE AS MAY BE SET BY THE COURT, OR COMPLETE AN ALCOHOL AWARENESS PROGRAM ESTABLISHED PURSUANT TO SECTION 19.25 OF THE MENTAL HYGIENE LAW 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

DETERMINED BY THE COURT, THE COURT MAY IMPOSE AN ADDITIONAL FINE OF NOT MORE THAN FIVE HUNDRED DOLLARS.

S 2. This act shall take effect on the ninetieth day after it shall have become a law.