

6302

2013-2014 Regular Sessions

I N A S S E M B L Y

March 25, 2013

Introduced by M. of A. GABRYSZAK, GUNTHER, JAFFEE, PAULIN, ROSENTHAL --
Multi-Sponsored by -- M. of A. BARCLAY, BRENNAN, CROUCH, KELLNER,
MARKEY, RAIA, SWEENEY, WEISENBERG -- read once and referred to the
Committee on Codes

AN ACT to amend the penal law, the criminal procedure law, the family
court act, the general business law, the labor law and the social
services law, in relation to strangulation

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

1 Section 1. Subdivision 13 of section 10.00 of the penal law, as
2 amended by chapter 791 of the laws of 1967, is amended to read as
3 follows:
4 13. "Dangerous instrument" means: (I) any instrument, article or
5 substance, including a "vehicle" as that term is defined in this
6 section, which, under the circumstances in which it is used, attempted
7 to be used or threatened to be used, is readily capable of causing death
8 or other serious physical injury; OR (II) HANDS OR OTHER OBJECTS WHEN
9 USED TO IMPEDE NORMAL BREATHING OR CIRCULATION OF BLOOD BY APPLYING
10 PRESSURE ON THE THROAT OR NECK OR OBSTRUCTING THE NOSE OR MOUTH.
11 S 2. Subdivision 42 of section 1.20 of the criminal procedure law, as
12 amended by chapter 7 of the laws of 2007, is amended to read as follows:
13 42. "Juvenile offender" means (1) a person, thirteen years old who is
14 criminally responsible for acts constituting murder in the second degree
15 as defined in subdivisions one and two of section 125.25 of the penal
16 law, or such conduct as a sexually motivated felony, where authorized
17 pursuant to section 130.91 of the penal law; and (2) a person fourteen
18 or fifteen years old who is criminally responsible for acts constituting
19 the crimes defined in subdivisions one and two of section 125.25 (murder
20 in the second degree) and in subdivision three of such section provided
21 that the underlying crime for the murder charge is one for which such
22 person is criminally responsible; section 135.25 (kidnapping in the

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

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1 first degree); 150.20 (arson in the first degree); subdivisions one and
2 two of section 120.10 (assault in the first degree); SECTION 121.13
3 (STRANGULATION IN THE FIRST DEGREE); SECTION 121.12 (STRANGULATION IN
4 THE SECOND DEGREE); 125.20 (manslaughter in the first degree); subdivi-
5 sions one and two of section 130.35 (rape in the first degree); subdivi-
6 sions one and two of section 130.50 (criminal sexual act in the first
7 degree); 130.70 (aggravated sexual abuse in the first degree); 140.30
8 (burglary in the first degree); subdivision one of section 140.25
9 (burglary in the second degree); 150.15 (arson in the second degree);
10 160.15 (robbery in the first degree); subdivision two of section 160.10
11 (robbery in the second degree) of the penal law; or section 265.03 of
12 the penal law, where such machine gun or such firearm is possessed on
13 school grounds, as that phrase is defined in subdivision fourteen of
14 section 220.00 of the penal law; or defined in the penal law as an
15 attempt to commit murder in the second degree or kidnapping in the first
16 degree, or such conduct as a sexually motivated felony, where authorized
17 pursuant to section 130.91 of the penal law.

18 S 3. Subdivision (a) of section 190.71 of the criminal procedure law,
19 as amended by chapter 7 of the laws of 2007, is amended to read as
20 follows:

21 (a) Except as provided in subdivision six of section 200.20 of this
22 chapter, a grand jury may not indict (i) a person thirteen years of age
23 for any conduct or crime other than conduct constituting a crime defined
24 in subdivisions one and two of section 125.25 (murder in the second
25 degree) or such conduct as a sexually motivated felony, where authorized
26 pursuant to section 130.91 of the penal law; (ii) a person fourteen or
27 fifteen years of age for any conduct or crime other than conduct consti-
28 tuting a crime defined in subdivisions one and two of section 125.25
29 (murder in the second degree) and in subdivision three of such section
30 provided that the underlying crime for the murder charge is one for
31 which such person is criminally responsible; 135.25 (kidnapping in the
32 first degree); 150.20 (arson in the first degree); subdivisions one and
33 two of section 120.10 (assault in the first degree); SECTION 121.13
34 (STRANGULATION IN THE FIRST DEGREE); SUBDIVISION 121.12 (STRANGULATION
35 IN THE SECOND DEGREE); 125.20 (manslaughter in the first degree); subdivi-
36 sions one and two of section 130.35 (rape in the first degree); subdivi-
37 sions one and two of section 130.50 (criminal sexual act in the first
38 degree); 130.70 (aggravated sexual abuse in the first degree); 140.30
39 (burglary in the first degree); subdivision one of section 140.25
40 (burglary in the second degree); 150.15 (arson in the second degree);
41 160.15 (robbery in the first degree); subdivision two of section 160.10
42 (robbery in the second degree) of the penal law; subdivision four of
43 section 265.02 of the penal law, where such firearm is possessed on
44 school grounds, as that phrase is defined in subdivision fourteen of
45 section 220.00 of the penal law; or section 265.03 of the penal law,
46 where such machine gun or such firearm is possessed on school grounds,
47 as that phrase is defined in subdivision fourteen of section 220.00 of
48 the penal law; or defined in the penal law as an attempt to commit
49 murder in the second degree or kidnapping in the first degree, or such
50 conduct as a sexually motivated felony, where authorized pursuant to
51 section 130.91 of the penal law.

52 S 4. Subdivision (b) of section 117 of the family court act, as
53 amended by chapter 7 of the laws of 2007, is amended to read as follows:

54 (b) For every juvenile delinquency proceeding under article three
55 involving an allegation of an act committed by a person which, if done
56 by an adult, would be a crime (i) defined in sections 125.27 (murder in

1 the first degree); 125.25 (murder in the second degree); 135.25 (kidnap-
2 ping in the first degree); or 150.20 (arson in the first degree) of the
3 penal law committed by a person thirteen, fourteen or fifteen years of
4 age; or such conduct committed as a sexually motivated felony, where
5 authorized pursuant to section 130.91 of the penal law; (ii) defined in
6 sections 120.10 (assault in the first degree); 121.13 (STRANGULATION IN
7 THE FIRST DEGREE); 121.12 (STRANGULATION IN THE SECOND DEGREE); 125.20
8 (manslaughter in the first degree); 130.35 (rape in the first degree);
9 130.50 (criminal sexual act in the first degree); 135.20 (kidnapping in
10 the second degree), but only where the abduction involved the use or
11 threat of use of deadly physical force; 150.15 (arson in the second
12 degree); or 160.15 (robbery in the first degree) of the penal law
13 committed by a person thirteen, fourteen or fifteen years of age; or
14 such conduct committed as a sexually motivated felony, where authorized
15 pursuant to section 130.91 of the penal law; (iii) defined in the penal
16 law as an attempt to commit murder in the first or second degree or
17 kidnapping in the first degree committed by a person thirteen, fourteen
18 or fifteen years of age; or such conduct committed as a sexually moti-
19 vated felony, where authorized pursuant to section 130.91 of the penal
20 law; (iv) defined in section 140.30 (burglary in the first degree);
21 subdivision one of section 140.25 (burglary in the second degree);
22 subdivision two of section 160.10 (robbery in the second degree) of the
23 penal law; or section 265.03 of the penal law, where such machine gun or
24 such firearm is possessed on school grounds, as that phrase is defined
25 in subdivision fourteen of section 220.00 of the penal law committed by
26 a person fourteen or fifteen years of age; or such conduct committed as
27 a sexually motivated felony, where authorized pursuant to section 130.91
28 of the penal law; (v) defined in section 120.05 (assault in the second
29 degree) or 160.10 (robbery in the second degree) of the penal law
30 committed by a person fourteen or fifteen years of age but only where
31 there has been a prior finding by a court that such person has previous-
32 ly committed an act which, if committed by an adult, would be the crime
33 of assault in the second degree, robbery in the second degree or any
34 designated felony act specified in clause (i), (ii) or (iii) of this
35 subdivision regardless of the age of such person at the time of the
36 commission of the prior act; or (vi) other than a misdemeanor, committed
37 by a person at least seven but less than sixteen years of age, but only
38 where there has been two prior findings by the court that such person
39 has committed a prior act which, if committed by an adult would be a
40 felony:

41 (i) There is hereby established in the family court in the city of New
42 York at least one "designated felony act part." Such part or parts shall
43 be held separate from all other proceedings of the court, and shall have
44 jurisdiction over all proceedings involving such an allegation. All such
45 proceedings shall be originated in or be transferred to this part from
46 other parts as they are made known to the court.

47 (ii) Outside the city of New York, all proceedings involving such an
48 allegation shall have a hearing preference over every other proceeding
49 in the court, except proceedings under article ten.

50 S 5. Subdivision 8 of section 301.2 of the family court act, as
51 amended by chapter 7 of the laws of 2007, is amended to read as follows:

52 8. "Designated felony act" means an act which, if done by an adult,
53 would be a crime: (i) defined in sections 125.27 (murder in the first
54 degree); 125.25 (murder in the second degree); 135.25 (kidnapping in the
55 first degree); or 150.20 (arson in the first degree) of the penal law
56 committed by a person thirteen, fourteen or fifteen years of age; or

1 such conduct committed as a sexually motivated felony, where authorized
2 pursuant to section 130.91 of the penal law; (ii) defined in sections
3 120.10 (assault in the first degree); 121.13 (STRANGULATION IN THE FIRST
4 DEGREE); 121.12 (STRANGULATION IN THE SECOND DEGREE); 125.20
5 (manslaughter in the first degree); 130.35 (rape in the first degree);
6 130.50 (criminal sexual act in the first degree); 130.70 (aggravated
7 sexual abuse in the first degree); 135.20 (kidnapping in the second
8 degree) but only where the abduction involved the use or threat of use
9 of deadly physical force; 150.15 (arson in the second degree) or 160.15
10 (robbery in the first degree) of the penal law committed by a person
11 thirteen, fourteen or fifteen years of age; or such conduct committed as
12 a sexually motivated felony, where authorized pursuant to section 130.91
13 of the penal law; (iii) defined in the penal law as an attempt to commit
14 murder in the first or second degree or kidnapping in the first degree
15 committed by a person thirteen, fourteen or fifteen years of age; or
16 such conduct committed as a sexually motivated felony, where authorized
17 pursuant to section 130.91 of the penal law; (iv) defined in section
18 140.30 (burglary in the first degree); subdivision one of section 140.25
19 (burglary in the second degree); subdivision two of section 160.10
20 (robbery in the second degree) of the penal law; or section 265.03 of
21 the penal law, where such machine gun or such firearm is possessed on
22 school grounds, as that phrase is defined in subdivision fourteen of
23 section 220.00 of the penal law committed by a person fourteen or
24 fifteen years of age; or such conduct committed as a sexually motivated
25 felony, where authorized pursuant to section 130.91 of the penal law;
26 (v) defined in section 120.05 (assault in the second degree) or 160.10
27 (robbery in the second degree) of the penal law committed by a person
28 fourteen or fifteen years of age but only where there has been a prior
29 finding by a court that such person has previously committed an act
30 which, if committed by an adult, would be the crime of assault in the
31 second degree, robbery in the second degree or any designated felony act
32 specified in paragraph (i), (ii), or (iii) of this subdivision regard-
33 less of the age of such person at the time of the commission of the
34 prior act; or (vi) other than a misdemeanor committed by a person at
35 least seven but less than sixteen years of age, but only where there has
36 been two prior findings by the court that such person has committed a
37 prior felony.

38 S 6. Subparagraph 4 of paragraph (c) of subdivision 2 of section 352.2
39 of the family court act, as added by chapter 7 of the laws of 1999, is
40 amended to read as follows:

41 (4) the parent of such respondent has been convicted of assault in the
42 second degree as defined in section 120.05, assault in the first degree
43 as defined in section 120.10 [or], aggravated assault upon a person less
44 than eleven years old as defined in section 120.12 OR STRANGULATION AS
45 DEFINED IN SECTIONS 121.12 AND 121.13 of the penal law, and the commis-
46 sion of one of the foregoing crimes resulted in serious physical injury
47 to the respondent or another child of the parent;

48 S 7. Subparagraph (iv) of paragraph (b) of subdivision 2 of section
49 754 of the family court act, as added by chapter 7 of the laws of 1999,
50 is amended to read as follows:

51 (iv) the parent of such child has been convicted of assault in the
52 second degree as defined in section 120.05, assault in the first degree
53 as defined in section 120.10 [or], aggravated assault upon a person less
54 than eleven years old as defined in section 120.12 OR STRANGULATION AS
55 DEFINED IN SECTIONS 121.12 AND 121.13 of the penal law, and the commis-

sion of one of the foregoing crimes resulted in serious physical injury to the child or another child of the parent;

S 8. Paragraph 4 of subdivision (b) of section 1039-b of the family court act, as added by chapter 7 of the laws of 1999, is amended to read as follows:

(4) the parent of such child has been convicted of assault in the second degree as defined in section 120.05, assault in the first degree as defined in section 120.10 [or], aggravated assault upon a person less than eleven years old as defined in section 120.12 OR STRANGULATION AS DEFINED IN SECTIONS 121.12 AND 121.13 of the penal law, and the commission of one of the foregoing crimes resulted in serious physical injury to the child or another child of the parent;

S 9. Clause 4 of subparagraph (A) of paragraph (i) of subdivision (b) of section 1052 of the family court act, as amended by chapter 7 of the laws of 1999, is amended to read as follows:

(4) the parent of such child has been convicted of assault in the second degree as defined in section 120.05, assault in the first degree as defined in section 120.10 [or], aggravated assault upon a person less than eleven years old as defined in section 120.12 OR STRANGULATION AS DEFINED IN SECTIONS 121.12 AND 121.13 of the penal law, and the commission of one of the foregoing crimes resulted in serious physical injury to the child or another child of the parent;

S 10. Paragraph f of subdivision 1 of section 410 of the general business law, as added by chapter 509 of the laws of 1992, is amended to read as follows:

f. Conviction of any of the following crimes subsequent to the issuance of a license pursuant to this article: fraud pursuant to sections 170.10, 170.15, 176.15, 176.20, 176.25, 176.30 and 190.65; falsifying business records pursuant to section 175.10; grand larceny pursuant to article [155] ONE HUNDRED FIFTY-FIVE; bribery pursuant to sections 180.03, 180.08, 180.15, 180.25, 200.00, 200.03, 200.04, 200.10, 200.11, 200.12, 200.45, 200.50; perjury pursuant to sections 210.10, 210.15, 210.40; assault pursuant to sections 120.05, 120.10, 120.11, 120.12; STRANGULATION PURSUANT TO SECTIONS 121.12 AND 121.13; robbery pursuant to article [160] ONE HUNDRED SIXTY; homicide pursuant to sections 125.25 and 125.27; manslaughter pursuant to sections 125.15 and 125.20; kidnapping and unlawful imprisonment pursuant to sections 135.10, 135.20 and 135.25; unlawful weapons possession pursuant to sections 265.02, 265.03 and 265.04; criminal use of a weapon pursuant to sections 265.08 and 265.09; criminal sale of a weapon pursuant to sections 265.11 and 265.12; and sex offenses pursuant to article [130] ONE HUNDRED THIRTY of the penal law. Provided, however, that for the purposes of this article, none of the following shall be considered criminal convictions or reported as such: (i) a conviction for which an executive pardon has been issued pursuant to the executive law; (ii) a conviction which has been vacated and replaced by a youthful offender finding pursuant to article seven hundred twenty of the criminal procedure law, or the applicable provisions of law of any other jurisdiction; or (iii) a conviction the records of which have been expunged or sealed pursuant to the applicable provisions of the laws of this state or of any other jurisdiction; and (iv) a conviction for which other evidence of successful rehabilitation to remove the disability has been issued.

S 11. Clause (v) of subparagraph 2 of paragraph b of subdivision 3 of section 220-b of the labor law, as amended by chapter 7 of the laws of 2008, is amended to read as follows:

1 (v) assault in the second degree as defined in section 120.05 of the
2 penal law, assault in the first degree as defined in section 120.10 of
3 the penal law, reckless endangerment in the first degree as defined in
4 section 120.25 of the penal law, STRANGULATION AS DEFINED IN SECTIONS
5 121.12 AND 121.13 OF THE PENAL LAW, criminally negligent homicide as
6 defined in section 125.10 of the penal law, manslaughter in the second
7 degree as defined in section 125.15 of the penal law, manslaughter in
8 the first degree as defined in section 125.20 of the penal law and
9 murder in the second degree as defined in section 125.25 of the penal
10 law, provided that the victim was an employee of such person or corpo-
11 ration and further provided that such offense arose from actions or
12 matters related to the protection of the health or safety of employees
13 at a work site;

14 S 12. Paragraph 2 of subdivision 18 of section 10.00 of the penal law,
15 as amended by chapter 7 of the laws of 2007, is amended to read as
16 follows:

17 (2) a person fourteen or fifteen years old who is criminally responsi-
18 ble for acts constituting the crimes defined in subdivisions one and two
19 of section 125.25 (murder in the second degree) and in subdivision three
20 of such section provided that the underlying crime for the murder charge
21 is one for which such person is criminally responsible; section 135.25
22 (kidnapping in the first degree); 150.20 (arson in the first degree);
23 subdivisions one and two of section 120.10 (assault in the first
24 degree); 121.13 (STRANGULATION IN THE FIRST DEGREE); 121.12 (STRANGULA-
25 TION IN THE SECOND DEGREE); 125.20 (manslaughter in the first degree);
26 subdivisions one and two of section 130.35 (rape in the first degree);
27 subdivisions one and two of section 130.50 (criminal sexual act in the
28 first degree); 130.70 (aggravated sexual abuse in the first degree);
29 140.30 (burglary in the first degree); subdivision one of section 140.25
30 (burglary in the second degree); 150.15 (arson in the second degree);
31 160.15 (robbery in the first degree); subdivision two of section 160.10
32 (robbery in the second degree) of this chapter; or section 265.03 of
33 this chapter, where such machine gun or such firearm is possessed on
34 school grounds, as that phrase is defined in subdivision fourteen of
35 section 220.00 of this chapter; or defined in this chapter as an attempt
36 to commit murder in the second degree or kidnapping in the first degree,
37 or such conduct as a sexually motivated felony, where authorized pursu-
38 ant to section 130.91 of the penal law.

39 S 13. Subdivision 2 of section 30.00 of the penal law, as amended by
40 chapter 7 of the laws of 2007, is amended to read as follows:

41 2. A person thirteen, fourteen or fifteen years of age is criminally
42 responsible for acts constituting murder in the second degree as defined
43 in subdivisions one and two of section 125.25 and in subdivision three
44 of such section provided that the underlying crime for the murder charge
45 is one for which such person is criminally responsible or for such
46 conduct as a sexually motivated felony, where authorized pursuant to
47 section 130.91 of the penal law; and a person fourteen or fifteen years
48 of age is criminally responsible for acts constituting the crimes
49 defined in section 135.25 (kidnapping in the first degree); 150.20
50 (arson in the first degree); subdivisions one and two of section 120.10
51 (assault in the first degree); 121.13 (STRANGULATION IN THE FIRST
52 DEGREE); 121.12 (STRANGULATION IN THE SECOND DEGREE); 125.20
53 (manslaughter in the first degree); subdivisions one and two of section
54 130.35 (rape in the first degree); subdivisions one and two of section
55 130.50 (criminal sexual act in the first degree); 130.70 (aggravated
56 sexual abuse in the first degree); 140.30 (burglary in the first

1 degree); subdivision one of section 140.25 (burglary in the second
2 degree); 150.15 (arson in the second degree); 160.15 (robbery in the
3 first degree); subdivision two of section 160.10 (robbery in the second
4 degree) of this chapter; or section 265.03 of this chapter, where such
5 machine gun or such firearm is possessed on school grounds, as that
6 phrase is defined in subdivision fourteen of section 220.00 of this
7 chapter; or defined in this chapter as an attempt to commit murder in
8 the second degree or kidnapping in the first degree, or for such conduct
9 as a sexually motivated felony, where authorized pursuant to section
10 130.91 of the penal law.

11 S 14. Paragraph (a) of subdivision 2 of section 60.07 of the penal
12 law, as added by chapter 148 of the laws of 2000, is amended to read as
13 follows:

14 (a) the term "specified offense" shall mean an attempt to commit
15 murder in the second degree as defined in section 125.25 of this chap-
16 ter, gang assault in the first degree as defined in section 120.07 of
17 this chapter, gang assault in the second degree as defined in section
18 120.06 of this chapter, assault in the first degree as defined in
19 section 120.10 of this chapter, STRANGULATION AS DEFINED IN SECTIONS
20 121.12 AND 121.13 OF THIS CHAPTER, manslaughter in the first degree as
21 defined in section 125.20 of this chapter, manslaughter in the second
22 degree as defined in section 125.15 of this chapter, robbery in the
23 first degree as defined in section 160.15 of this chapter, robbery in
24 the second degree as defined in section 160.10 of this chapter, or the
25 attempted commission of any of the following offenses: gang assault in
26 the first degree as defined in section 120.07, assault in the first
27 degree as defined in section 120.10, manslaughter in the first degree as
28 defined in section 125.20 or robbery in the first degree as defined in
29 section 160.15;

30 S 15. Paragraph (a) of subdivision 1 of section 70.02 of the penal
31 law, as amended by chapter 320 of the laws of 2006, is amended to read
32 as follows:

33 (a) Class B violent felony offenses: an attempt to commit the class
34 A-I felonies of murder in the second degree as defined in section
35 125.25, kidnapping in the first degree as defined in section 135.25, and
36 arson in the first degree as defined in section 150.20; manslaughter in
37 the first degree as defined in section 125.20, aggravated manslaughter
38 in the first degree as defined in section 125.22, rape in the first
39 degree as defined in section 130.35, criminal sexual act in the first
40 degree as defined in section 130.50, aggravated sexual abuse in the
41 first degree as defined in section 130.70, course of sexual conduct
42 against a child in the first degree as defined in section 130.75;
43 assault in the first degree as defined in section 120.10, STRANGULATION
44 AS DEFINED IN SECTIONS 121.12 AND 121.13 OF THIS CHAPTER, kidnapping in
45 the second degree as defined in section 135.20, burglary in the first
46 degree as defined in section 140.30, arson in the second degree as
47 defined in section 150.15, robbery in the first degree as defined in
48 section 160.15, incest in the first degree as defined in section 255.27,
49 criminal possession of a weapon in the first degree as defined in
50 section 265.04, criminal use of a firearm in the first degree as defined
51 in section 265.09, criminal sale of a firearm in the first degree as
52 defined in section 265.13, aggravated assault upon a police officer or a
53 peace officer as defined in section 120.11, gang assault in the first
54 degree as defined in section 120.07, intimidating a victim or witness in
55 the first degree as defined in section 215.17, hindering prosecution of
56 terrorism in the first degree as defined in section 490.35, criminal

1 possession of a chemical weapon or biological weapon in the second
2 degree as defined in section 490.40, and criminal use of a chemical
3 weapon or biological weapon in the third degree as defined in section
4 490.47.

5 S 16. Subparagraph 4 of paragraph (b) of subdivision 3 of section
6 358-a of the social services law, as added by chapter 7 of the laws of
7 1999, is amended to read as follows:

8 (4) the parent of such child has been convicted of assault in the
9 second degree as defined in section 120.05, assault in the first degree
10 as defined in section 120.10 [or], aggravated assault upon a person less
11 than eleven years old as defined in section 120.12 OR STRANGULATION AS
12 DEFINED IN SECTIONS 121.12 AND 121.13 of the penal law, and the commis-
13 sion of one of the foregoing crimes resulted in serious physical injury
14 to the child or another child of the parent;

15 S 17. Clause (C) of subparagraph (iii) of paragraph (a) of subdivision
16 8 of section 384-b of the social services law, as added by chapter 7 of
17 the laws of 1999, is amended to read as follows:

18 (C) the parent of such child has been convicted of assault in the
19 second degree as defined in section 120.05, assault in the first degree
20 as defined in section 120.10 [or], aggravated assault upon a person less
21 than eleven years old as defined in section 120.12 OR STRANGULATION AS
22 DEFINED IN SECTIONS 121.12 AND 121.13 of the penal law, and the victim
23 of any such crime was the child or another child of the parent or anoth-
24 er child for whose care such parent is or has been legally responsible;
25 or has been convicted of an attempt to commit any of the foregoing
26 crimes, and the victim or intended victim was the child or another child
27 of the parent or another child for whose care such parent is or has been
28 legally responsible; or

29 S 18. This act shall take effect on the ninetieth day after it shall
30 have become a law.