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

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I N A S S E M B L Y

January 15, 2014

Introduced by M. of A. MAYER, OTIS, PAULIN, RAIA, DUPREY, STECK, JAFFEE, COLTON, MARKEY, ZEBROWSKI, GALEF, CROUCH, WALTER, HOOPER, FINCH, HEVESI -- Multi-Sponsored by -- M. of A. ABBATE, ARROYO, BARCLAY, COOK, GLICK, HIKIND, McKEVITT, RIVERA, SCHIMMINGER, SIMANOWITZ, SWEENEY, TITONE, WEISENBERG -- read once and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the penal law, in relation to the crime of criminal trespass

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

Section 1. The section heading of section 140.10 of the penal law, as amended by chapter 192 of the laws of 1987, is amended to read as follows:

Criminal trespass in the [third] FOURTH degree.

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

Criminal trespass in the [second] THIRD degree.

S 3. The penal law is amended by adding a new section 140.16 to read as follows:

S 140.16 CRIMINAL TRESPASS IN THE SECOND DEGREE.

A PERSON IS GUILTY OF CRIMINAL TRESPASS IN THE SECOND DEGREE WHEN:

1. HE OR SHE KNOWINGLY ENTERS OR REMAINS UNLAWFULLY IN A DWELLING; AND

2. INTENTIONALLY EXPOSES THE PRIVATE OR INTIMATE PARTS OF HIS OR HER BODY IN A LEWD MANNER OR COMMITS ANY OTHER LEWD ACT IN A PRIVATE PREMISES UNDER CIRCUMSTANCES IN WHICH HE OR SHE MAY READILY BE OBSERVED FROM EITHER A PUBLIC PLACE OR FROM OTHERS ON OR IN THE PRIVATE PREMISES, AND WITH INTENT THAT HE OR SHE BE SO OBSERVED.

CRIMINAL TRESPASS IN THE SECOND DEGREE IS A CLASS D FELONY.

S 4. The closing paragraph of section 140.17 of the penal law, as added by chapter 341 of the laws of 1969, is amended to read as follows:

Criminal trespass in the first degree is a class [D] C felony.

S 5. This act shall take effect immediately.

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

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