

2295--A

2013-2014 Regular Sessions

I N S E N A T E

January 15, 2013

Introduced by Sens. BALL, AVELLA -- read twice and ordered printed, and when printed to be committed to the Committee on Codes -- recommitted to the Committee on Codes in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the penal law, in relation to unlawful defilement of a water supply

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

1 Section 1. The penal law is amended by adding a new section 270.08 to
2 read as follows:
3 S 270.08 UNLAWFUL DEFILEMENT OF A WATER SUPPLY.
4 1. AS USED IN THIS SECTION:
5 (A) "WATER SUPPLY" MEANS ANY PUBLIC OR PRIVATE TRANSMISSION FACILITY,
6 TREATMENT FACILITY, SOURCE OF SUPPLY FACILITY, WELL OR RESERVOIR, WHICH
7 PROVIDES POTABLE WATER FOR RESIDENTIAL, COMMERCIAL, INDUSTRIAL AND/OR
8 FIRE SERVICE NEEDS.
9 (B) "DEFILING AGENT" MEANS ANY CHEMICAL, BIOLOGICAL OR RADIOACTIVE
10 AGENT OR SUBSTANCE, WHICH IS CAPABLE, WHEN INTRODUCED OR PLACED INTO A
11 WATER SUPPLY, OF CAUSING THE SICKNESS, PHYSICAL INJURY, SEVERE DISFIG-
12 UREMENT, OR DEATH OF A HUMAN BEING, OR CAUSING IRREPARABLE HARM TO SUCH
13 WATER SUPPLY, OR CAUSING A DISTURBANCE TO THE PUBLIC PEACE; AND SHALL
14 INCLUDE ANY SUBSTANCE WHICH IS THE BY-PRODUCT OF THE PRACTICE OF
15 CONDUCTING HYDRAULIC FRACTURING FOR THE ACQUISITION OF NATURAL GAS OR
16 OIL. A DEFILING AGENT SHALL NOT INCLUDE A SUBSTANCE WHICH IS INTRODUCED
17 OR PLACED INTO A WATER SUPPLY BY ANY MUNICIPAL OR STATE ENTITY, OR WHICH
18 IS INTRODUCED OR PLACED INTO A WATER SUPPLY BY ANY AGRICULTURAL OR
19 INDUSTRIAL ENTITY AS A RESULT OF ITS ORDINARY LAWFUL OPERATIONS.
20 2. A PERSON IS GUILTY OF UNLAWFUL DEFILEMENT OF A WATER SUPPLY WHEN HE
21 OR SHE, AS AN INDIVIDUAL OR ACTING IN THE COURSE OF AN INDUSTRIAL PRAC-
22 TICE, INTENTIONALLY INTRODUCES, PLACES, OR CAUSES TO BE INTRODUCED OR

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

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1 PLACED, INTO A WATER SUPPLY, A DEFILING AGENT WITH THE INTENT TO CAUSE
2 THE SICKNESS, PHYSICAL INJURY, SEVERE DISFIGUREMENT OR DEATH OF ANOTHER
3 HUMAN BEING, OR WITH THE RECKLESS DISREGARD OF CAUSING THE SICKNESS,
4 PHYSICAL INJURY, SEVERE DISFIGUREMENT OR DEATH OF ANOTHER HUMAN BEING,
5 OR WITH THE INTENT TO CAUSE IRREPARABLE HARM TO SUCH WATER SUPPLY, OR TO
6 DISTURB THE PUBLIC PEACE.

7 UNLAWFUL DEFILEMENT OF A WATER SUPPLY SHALL BE A CLASS B FELONY.

8 S 2. This act shall take effect on the first of November next succeed-
9 ing the date on which it shall have become a law.