

8960

I N A S S E M B L Y

March 4, 2014

Introduced by M. of A. WEPRIN -- read once and referred to the Committee
on Codes

AN ACT to amend the penal law and the vehicle and traffic law, in
relation to bias-related graffiti

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

1 Section 1. Section 240.31 of the penal law is amended by adding a new
2 subdivision 1-a to read as follows:
3 1-A. ETCHES, PAINTS, COVERS, DRAWS UPON OR OTHERWISE PLACES A MARK
4 UPON PUBLIC OR PRIVATE PROPERTY; OR
5 S 2. The penal law is amended by adding a new section 60.31 to read as
6 follows:
7 S 60.31 AUTHORIZED DISPOSITION; AGGRAVATED HARASSMENT IN THE FIRST
8 DEGREE.
9 WHEN A PERSON IS CONVICTED OF AN OFFENSE DEFINED IN SUBDIVISION ONE-A
10 OF SECTION 240.31 OF THIS CHAPTER, OR OF AN ATTEMPT TO COMMIT SUCH AN
11 OFFENSE, OR OF A LESSER INCLUDED OFFENSE, IN ADDITION TO ANY OTHER
12 SENTENCE IMPOSED OR AS A CONDITION OF PROBATION OR CONDITIONAL
13 DISCHARGE: (1) THE COURT MAY ORDER SUCH PERSON TO PARTICIPATE IN, AT HIS
14 OWN EXPENSE, A DIVERSITY TRAINING PROGRAM THAT IS DESIGNED TO OVERCOME
15 DISCRIMINATION, PREJUDICE AND INTOLERANCE, AND THAT PROMOTES COMMUNI-
16 CATION, UNDERSTANDING AND RESPECT AMONG DIVERSE RACIAL, RELIGIOUS AND
17 ETHNIC GROUPS AND/OR (2) MAY SUSPEND SUCH INDIVIDUAL'S DRIVER'S LICENSE
18 OR PRIVILEGE TO DRIVE IN THIS STATE FOR A PERIOD OF UP TO ONE YEAR, OR,
19 IN THE EVENT SUCH INDIVIDUAL DOES NOT HAVE A DRIVER'S LICENSE, THE COURT
20 MAY DELAY THE GRANTING OF A DRIVER'S LICENSE FOR A PERIOD OF UP TO ONE
21 YEAR.
22 S 3. Section 502 of the vehicle and traffic law is amended by adding a
23 new subdivision 8 to read as follows:
24 8. EXCEPTIONS. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION,
25 THE COMMISSIONER SHALL NOT ISSUE A DRIVER'S LICENSE TO ANY PERSON
26 CONVICTED OF AN OFFENSE DEFINED IN SUBDIVISION ONE-A OF SECTION 240.31
27 OF THE PENAL LAW, OR OF AN ATTEMPT TO COMMIT SUCH AN OFFENSE, OR OF A

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

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1 LESSER INCLUDED OFFENSE, UNTIL SUCH TIME AS IMPOSED BY THE SENTENCING
2 COURT HAS LAPSED.

3 S 4. Subdivision 3 of section 510 of the vehicle and traffic law is
4 amended by adding a new paragraph j-1 to read as follows:

5 J-1. FOR A PERIOD UP TO ONE YEAR WHERE THE HOLDER HAS BEEN CONVICTED
6 OF AN OFFENSE DEFINED IN SUBDIVISION ONE-A OF SECTION 240.31 OF THE
7 PENAL LAW;

8 S 5. This act shall take effect on the first of November next succeed-
9 ing the date on which it shall have become a law.