

2190--A

Cal. No. 474

2015-2016 Regular Sessions

I N S E N A T E

January 21, 2015

Introduced by Sens. SQUADRON, GIANARIS, SERRANO -- 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 -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the penal law, in relation to expanding the definition of the offense of criminal trespass in the second degree

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

1 Section 1. This act shall be known and may be cited as the "critical
2 infrastructure safety act".
3 S 2. Section 140.15 of the penal law, as amended by chapter 315 of the
4 laws of 2010, is amended to read as follows:
5 S 140.15 Criminal trespass in the second degree.
6 1. A person is guilty of criminal trespass in the second degree when:
7 [1.] A. he or she knowingly enters or remains unlawfully in a dwell-
8 ing; [or]
9 [2.] B. being a person required to maintain registration under article
10 six-C of the correction law and designated a level two or level three
11 offender pursuant to subdivision six of section one hundred
12 sixty-eight-1 of the correction law, he or she enters or remains in a
13 public or private elementary, parochial, intermediate, junior high,
14 vocational or high school knowing that the victim of the offense for
15 which such registration is required attends or formerly attended such
16 school. It shall not be an offense subject to prosecution under this
17 subdivision if: the person is a lawfully registered student at such
18 school; the person is a lawful student participant in a school sponsored
19 event; the person is a parent or a legal guardian of a lawfully regis-
20 tered student at such school and enters the school for the purpose of

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

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1 attending their child's or dependent's event or activity; such school is
2 the person's designated polling place and he or she enters such school
3 building for the limited purpose of voting; or if the person enters such
4 school building for the limited purposes authorized by the superinten-
5 dent or chief administrator of such school[.]; OR

6 C. HE OR SHE KNOWINGLY CLIMBS UPON ANY RAILING, CABLE, SUSPENDER ROPE,
7 TOWER, OR SUPERSTRUCTURE OF ANY BRIDGE, OR OTHERWISE TRESPASSES ON ANY
8 PORTION OF A BRIDGE, TUNNEL, OR ANY OTHER CRITICAL INFRASTRUCTURE THAT
9 IS NOT INTENDED FOR PUBLIC USE.

10 2. AS USED IN THIS SECTION:

11 A. "CRITICAL INFRASTRUCTURE" SHALL MEAN SYSTEMS, ASSETS, PLACES OR
12 THINGS SO VITAL TO THE STATE THAT THE DISRUPTION, INCAPACITATION OR
13 DESTRUCTION OF SUCH SYSTEMS, ASSETS, PLACES OR THINGS COULD JEOPARDIZE
14 THE HEALTH, SAFETY, WELFARE OR SECURITY OF THE STATE, ITS RESIDENTS OR
15 ITS ECONOMY; AND

16 B. "NOT INTENDED FOR PUBLIC USE" SHALL MEAN ANY AREA ON OR SURROUNDING
17 CRITICAL INFRASTRUCTURE THAT IS EITHER CLEARLY MARKED AS SUCH OR THAT A
18 REASONABLE PERSON WOULD DETERMINE IS NOT FOR PUBLIC USE.

19 Criminal trespass in the second degree is a class A misdemeanor.

20 S 3. This act shall take effect on the first of November next succeed-
21 ing the date upon which it shall have become a law.