

STATE OF NEW YORK

8555

2017-2018 Regular Sessions

IN ASSEMBLY

July 10, 2017

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

AN ACT to amend the penal law and the highway law, in relation to crimes committed within parks and parklands

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 70.12 to
2 read as follows:

3 § 70.12 Sentence of imprisonment for a crime committed against a person
4 within parks or parklands.

5 1. Definition of a crime committed against a person within parks or
6 parklands. The term "a crime committed against a person within parks or
7 parklands" shall mean any crime defined in section 120.05 (assault in
8 the second degree), 120.06 (gang assault in the second degree), 120.07
9 (gang assault in the first degree), 120.08 (assault on a peace officer,
10 police officer, fireman or emergency medical services professional),
11 120.10 (assault in the first degree), 120.11 (aggravated assault upon a
12 police officer or a peace officer), 120.12 (aggravated assault upon a
13 person less than eleven years old), 120.13 (menacing in the first
14 degree), 130.25 (rape in the third degree), 130.30 (rape in the second
15 degree), 130.35 (rape in the first degree), 130.40 (criminal sexual act
16 in the third degree), 130.45 (criminal sexual act in the second degree),
17 130.50 (criminal sexual act in the first degree), 130.65 (sexual abuse
18 in the first degree), 130.66 (aggravated sexual abuse in the third
19 degree), 130.67 (aggravated sexual abuse in the second degree), 130.70
20 (aggravated sexual abuse in the first degree), 130.75 (course of sexual
21 conduct against a child in the first degree), 130.80 (course of sexual
22 conduct against a child in the second degree), 130.95 (predatory sexual
23 assault), 130.96 (predatory sexual assault against a child), 135.10
24 (unlawful imprisonment in the first degree), 135.20 (kidnapping in the
25 second degree), 135.25 (kidnapping in the first degree) or 135.65 (coer-

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

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1 cion in the first degree) of this chapter, or any attempt or conspiracy
2 to commit any of the foregoing crimes, when the crime (a) constitutes a
3 felony and (b) occurs within a park or parklands. For purposes of this
4 section, "park or parklands" shall mean (i) in or on or within any prop-
5 erty or structure designated as a park by any authorized governing body,
6 including the United States of America, the state of New York, counties,
7 cities, towns and villages, or any authority or other authorized municipi-
8 pal board, including any building, structure, athletic playing field,
9 playground or land contained within the real property boundary line of
10 such designated park. Additionally, "parklands" shall be defined as land
11 which is municipally owned and used for environmental preservation,
12 outdoor recreation, greenspace initiatives and thoroughfares to and from
13 such land, or (ii) any area accessible to the public located within one
14 thousand feet of the real property boundary line comprising any such
15 defined park or parklands, or any parked automobile or other parked
16 vehicle located within one thousand feet of the real property boundary
17 line comprising any such park or parklands. For the purposes of this
18 section, "area accessible to the public" shall mean sidewalks, streets,
19 parking lots, parks, playgrounds, and commercial enterprises located
20 within the park or parklands.

21 2. Authorized sentence. (a) Notwithstanding any other provision of
22 law, when a person is convicted of a crime committed against a person
23 within a park or parklands which is a class C, D, or E felony, the crime
24 shall be deemed to be one category higher than the crime the person
25 committed, or attempted or conspired to commit.

26 (b) Notwithstanding any other provision of law, when a person is
27 convicted of a crime committed against a person within a park or park-
28 lands which is a class B felony:

29 (i) the maximum term of the indeterminate sentence must be at least
30 six years if the defendant is sentenced pursuant to section 70.00 of
31 this article;

32 (ii) the term of the determinate sentence must be at least eight years
33 if the defendant is sentenced pursuant to section 70.02 of this article;

34 (iii) the term of the determinate sentence must be at least twelve
35 years if the defendant is sentenced pursuant to section 70.04 of this
36 article;

37 (iv) the maximum term of the indeterminate sentence must be at least
38 four years if the defendant is sentenced pursuant to section 70.05 of
39 this article; and

40 (v) the maximum term of the indeterminate sentence or the term of the
41 determinate sentence must be at least ten years if the defendant is
42 sentenced pursuant to section 70.06 of this article.

43 § 2. The highway law is amended by adding a new section 318 to read as
44 follows:

45 § 318. Crime free park zone signs. The state, any political subdivi-
46 sion of the state and any other public or private entity having juris-
47 isdiction over any highway within parks or parklands, as defined in subdivi-
48 vision one of section 70.12 of the penal law, may, upon the request of
49 the appropriate municipal authority, place, cause to be placed, or
50 permit to be placed within the right of way of such highway signs indi-
51 cating a crime free park zone.

52 § 3. This act shall take effect on the first of September next
53 succeeding the date on which it shall have become a law.