STATE OF NEW YORK

676

2017-2018 Regular Sessions

IN ASSEMBLY

January 9, 2017

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

AN ACT to amend the penal law, in relation to criminal trespass and burglary upon the premises of a pharmacy

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 140.00 of the penal law is amended by adding a new subdivision 6 to read as follows:

6. "Pharmacy" means that area within a building at which the practice of the profession of pharmacy is conducted pursuant to article one hundred thirty-seven of the education law.

§ 2. Subdivision 1 of section 140.15 of the penal law, as amended by chapter 315 of the laws of 2010, is amended to read as follows:

1. he or she knowingly enters or remains unlawfully in a dwelling **or a pharmacy**; or

§ 3. Subdivision 2 of section 140.25 of the penal law, as amended by chapter 361 of the laws of 1981, is amended to read as follows:

2. The building is a dwelling**, or the portion of the building that is a pharmacy**.

§ 4. The opening paragraph of section 140.30 of the penal law, as amended by chapter 361 of the laws of 1981, is amended to read as follows:

A person is guilty of burglary in the first degree when he **or she** knowingly enters or remains unlawfully in a dwelling **or a pharmacy** with intent to commit a crime therein, and when, in effecting entry or while in the dwelling or in immediate flight therefrom, he **or she** or another participant in the crime:

§ 5. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.

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

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