STATE OF NEW YORK

2745

2019-2020 Regular Sessions

IN ASSEMBLY

January 25, 2019

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

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:

Section 1. This act shall be known and may be cited as the "critical infrastructure safety act".

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

§ 140.15 Criminal trespass in the second degree.

1. A person is guilty of criminal trespass in the second degree when:

[~~1.~~] **a.** he or she knowingly enters or remains unlawfully in a dwelling; [~~or~~]

[~~2.~~] **b.** being a person required to maintain registration under article six-C of the correction law and designated a level two or level three offender pursuant to subdivision six of section one hundred sixty-eight-l of the correction law, he or she enters or remains in a public or private elementary, parochial, intermediate, junior high, vocational or high school knowing that the victim of the offense for which such registration is required attends or formerly attended such school. It shall not be an offense subject to prosecution under this subdivision if: the person is a lawfully registered student at such school; the person is a lawful student participant in a school sponsored event; the person is a parent or a legal guardian of a lawfully registered student at such school and enters the school for the purpose of attending their child's or dependent's event or activity; such school is the person's designated polling place and he or she enters such school building for the limited purpose of voting; or if the person enters such school building for the limited purposes authorized by the superintendent or chief administrator of such school[~~.~~]**; or**

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

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c. he or she knowingly climbs upon any railing, cable, suspender rope, tower, or superstructure of any bridge, or otherwise trespasses on any portion of a bridge, tunnel, or any other critical infrastructure that is not intended for public use.

2. As used in this section:

a. "critical infrastructure" shall mean systems, assets, places or things so vital to the state that the disruption, incapacitation or destruction of such systems, assets, places or things could jeopardize the health, safety, welfare or security of the state, its residents or its economy; and

b. "not intended for public use" shall mean any area on or surrounding critical infrastructure that is either clearly marked as such or that a reasonable person would determine is not for public use.

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

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