

STATE OF NEW YORK

10446

IN ASSEMBLY

May 18, 2020

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Quart) --
read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to the crime of loitering

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

1 Section 1. Section 240.35 of the penal law, subdivision 5 as separate-
2 ly amended by chapters 350 and 395 of the laws of 2001 and subdivision 6
3 as renumbered by chapter 446 of the laws of 1978, is amended to read as
4 follows:

5 § 240.35 Loitering.

6 A person is guilty of loitering when he[+]

7 ~~2. Loiters or remains in a public place for the purpose of gambling~~
8 ~~with cards, dice or other gambling paraphernalia, or~~

9 ~~4. Being masked or in any manner disguised by unusual or unnatural~~
10 ~~attire or facial alteration, loiters, remains or congregates in a public~~
11 ~~place with other persons so masked or disguised, or knowingly permits or~~
12 ~~aids persons so masked or disguised to congregate in a public place,~~
13 ~~except that such conduct is not unlawful when it occurs in connection~~
14 ~~with a masquerade party or like entertainment if, when such enter-~~
15 ~~tainment is held in a city which has promulgated regulations in~~
16 ~~connection with such affairs, permission is first obtained from the~~
17 ~~police or other appropriate authorities, or~~

18 ~~5. Loiters~~ or she loiters or remains in or about school grounds, a
19 college or university building or grounds or a children's overnight camp
20 as defined in section one thousand three hundred ninety-two of the
21 public health law or a summer day camp as defined in section one thou-
22 sand three hundred ninety-two of the public health law, or loiters,
23 remains in or enters a school bus as defined in section one hundred
24 forty-two of the vehicle and traffic law, not having any reason or
25 relationship involving custody of or responsibility for a pupil or
26 student, or any other specific, legitimate reason for being there, and
27 not having written permission from anyone authorized to grant the same
28 or loiters or remains in or about such children's overnight camp or

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

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1 summer day camp in violation of conspicuously posted rules or regu-
2 lations governing entry and use thereof[~~, or~~

3 ~~6. Loiters or remains in any transportation facility, unless specif-~~
4 ~~ically authorized to do so, for the purpose of soliciting or engaging in~~
5 ~~any business, trade or commercial transactions involving the sale of~~
6 ~~merchandise or services, or for the purpose of entertaining persons by~~
7 ~~singing, dancing or playing any musical instrument, or].~~

8 Loitering is a violation.

9 § 2. This act shall take effect immediately.