

STATE OF NEW YORK

5333

2021-2022 Regular Sessions

IN ASSEMBLY

February 12, 2021

Introduced by M. of A. PHEFFER AMATO, ABBATE, COOK -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to including certain activity in transit and transportation facilities within the crime 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. Subdivision 2 of section 140.15 of the penal law, as
2 amended by chapter 315 of the laws of 2010, is amended and a new subdivi-
3 sion 3 is added to read as follows:

4 2. being a person required to maintain registration under article
5 six-C of the correction law and designated a level two or level three
6 offender pursuant to subdivision six of section one hundred
7 sixty-eight-1 of the correction law, he or she enters or remains in a
8 public or private elementary, parochial, intermediate, junior high,
9 vocational or high school knowing that the victim of the offense for
10 which such registration is required attends or formerly attended such
11 school. It shall not be an offense subject to prosecution under this
12 subdivision if: the person is a lawfully registered student at such
13 school; the person is a lawful student participant in a school sponsored
14 event; the person is a parent or a legal guardian of a lawfully regis-
15 tered student at such school and enters the school for the purpose of
16 attending their child's or dependent's event or activity; such school is
17 the person's designated polling place and he or she enters such school
18 building for the limited purpose of voting; or if the person enters such
19 school building for the limited purposes authorized by the superinten-
20 dent or chief administrator of such school[-]; or

21 3. he or she knowingly enters or remains unlawfully in a transit
22 facility as defined under section twelve hundred of the public authori-
23 ties law or a transportation facility as defined under section twelve
24 hundred sixty-one of the public authorities law.

25 § 2. This act shall take effect on the first of November next succeed-
26 ing 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.

LBD03392-01-1