

# STATE OF NEW YORK

8290

2023-2024 Regular Sessions

## IN ASSEMBLY

November 27, 2023

Introduced by M. of A. E. BROWN, ANGELINO, DeSTEFANO, MORINELLO, BEEPHAN, LEMONDES, HAWLEY, MANKTELOW, JENSEN, CHANG, MCGOWAN, SMULLEN, MIKULIN, DURSO, GANDOLFO, BLUMENCRANZ, McDONOUGH, TAGUE, BLANKENBUSH, MILLER, BROOK-KRASNY -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to being masked or disguised while 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, subdivision 6 as  
3 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 or she:  
7 [~~2~~] 1. Loiters or remains in a public place for the purpose of gambl-  
8 ing with cards, dice or other gambling paraphernalia; or  
9 [~~5~~] 2. Loiters or remains in or about school grounds, a college or  
10 university building or grounds or a children's overnight camp as defined  
11 in section one thousand three hundred ninety-two of the public health  
12 law or a summer day camp as defined in section one thousand three  
13 hundred ninety-two of the public health law, or loiters, remains in or  
14 enters a school bus as defined in section one hundred forty-two of the  
15 vehicle and traffic law, not having any reason or relationship involving  
16 custody of or responsibility for a pupil or student, or any other  
17 specific, legitimate reason for being there, and not having written  
18 permission from anyone authorized to grant the same or loiters or  
19 remains in or about such children's overnight camp or summer day camp in  
20 violation of conspicuously posted rules or regulations governing entry  
21 and use thereof; or

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

LBD13506-01-3

1     ~~6~~ 3. Loiters or remains in any transportation facility, unless  
2 specifically authorized to do so, for the purpose of soliciting or  
3 engaging in any business, trade or commercial transactions involving the  
4 sale of merchandise or services, or for the purpose of entertaining  
5 persons by singing, dancing or playing any musical instrument; or

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

15     Loitering is a violation.

16     § 2. This act shall take effect immediately.