

# STATE OF NEW YORK

9908

## IN ASSEMBLY

April 26, 2024

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

AN ACT to amend the penal law, in relation to criminal trespass in the  
third degree

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

1 Section 1. Subdivision (g) of section 140.10 of the penal law, as  
2 amended by chapter 176 of the laws of 2011, is amended and a new subdi-  
3 vision (h) is added to read as follows:

4 (g) where the property consists of a right-of-way or yard of a rail-  
5 road or rapid transit railroad which has been designated and conspicu-  
6 ously posted as a no-trespass railroad zone~~[-]~~; or

7 (h) not having entered a lease or license for such building or real  
8 property with the rightful owner, enters or remains in such building or  
9 upon such real property or otherwise occupies such building or real  
10 property without title, right, permission of the rightful owner, or  
11 payment of rent accepted by the rightful owner; provided, however, that  
12 in any prosecution under this subdivision it shall be an affirmative  
13 defense that the defendant is a tenant as defined in section seven  
14 hundred eleven of the real property actions and proceedings law.

15 § 2. This act shall take effect immediately.

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

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