STATE OF NEW YORK

3127

2023-2024 Regular Sessions

IN ASSEMBLY

February 2, 2023

Introduced by M. of A. PHEFFER AMATO, 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:

Section 1. Subdivision 2 of section 140.15 of the penal law, as amended by chapter 315 of the laws of 2010, is amended and a new subdivision 3 is added to read as follows:

2. 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**

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

§ 2. This act shall take effect on the first of November next succeeding 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.

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