STATE OF NEW YORK

4773

2025-2026 Regular Sessions

IN ASSEMBLY

February 6, 2025

Introduced by M. of A. E. BROWN, ANGELINO, DeSTEFANO, MORINELLO, BEEPHAN, LEMONDES, HAWLEY, MANKTELOW, JENSEN, CHANG, SMULLEN, MIKULIN, DURSO, GANDOLFO, BLUMENCRANZ, McDONOUGH, TAGUE, BLANKENBUSH, MILLER, BROOK-KRASNY, RA, FRIEND -- 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:

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

§ 240.35 Loitering.

A person is guilty of loitering when [~~he~~] **such person**:

[~~2~~] **1**. Loiters or remains in a public place for the purpose of gambling with cards, dice or other gambling paraphernalia; or

[~~5~~] **2**. Loiters or remains in or about school grounds, a college or university building or grounds or a children's overnight camp as defined in section one thousand three hundred ninety-two of the public health law or a summer day camp as defined in section one thousand three hundred ninety-two of the public health law, or loiters, remains in or enters a school bus as defined in section one hundred forty-two of the vehicle and traffic law, not having any reason or relationship involving custody of or responsibility for a pupil or student, or any other specific, legitimate reason for being there, and not having written permission from anyone authorized to grant the same or loiters or remains in or about such children's overnight camp or summer day camp in violation of conspicuously posted rules or regulations governing entry and use thereof; or

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

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

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

Loitering is a violation.

§ 2. This act shall take effect immediately.