STATE OF NEW YORK

1174

2025-2026 Regular Sessions

IN SENATE

January 8, 2025

Introduced by Sen. MATTERA -- read twice and ordered printed, and when printed to be committed 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 Assembly, do enact as follows:

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

(g) where the property consists of a right-of-way or yard of a railroad or rapid transit railroad which has been designated and conspicuously posted as a no-trespass railroad zone[~~.~~]**; or**

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

§ 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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