

# LAWS YOU SHOULD KNOW

(AND HOW THEY APPLY TO YOU)

A guide to New York State Laws for the College Student

## ABC LAWS (Alcoholic Beverage Control)

**Section 65a: Procuring Alcoholic Beverages for Persons under the age of twenty-one** (fine of not more than two hundred dollars, imprisonment for not more than five days or both)

**Section 65b: Offense for One under the age of twenty-one to purchase or attempt to purchase an alcoholic beverage through fraudulent means** (In addition to the aforementioned penalties, the court may suspend such person's license to drive a motor vehicle for ninety days if it is found that it was a NY State driver's license was used as the fraudulent instrument)

**Section 65c: Unlawful possession of an alcoholic beverage with intent to consume by persons under the age of twenty-one** (fine of not more than fifty-dollars and/or completion of an alcohol awareness program and/or an appropriate amount of community service not to exceed thirty hours)

### Explanation of Law:

These laws are self-explanatory. You can be sanctioned under ABC Law for procuring alcohol for someone under the age of 21, purchasing or attempting to purchase alcohol through fraudulent means or for possessing an alcoholic beverage if you are under 21. Note that the court may suspend your privilege to drive in NYS if the fraudulent instrument was a NYS driver's license.

## PENAL LAW (Criminal Code of New York State)

### PL 120.00 Assault in the third degree:

A person is guilty of assault in the third degree when:

1. With intent to cause physical injury to another person, he causes such injury to such person or to a third party, or
2. He recklessly causes physical injury to another person, or
3. With criminal negligence, he causes physical injury to another person by means of a deadly weapon or a dangerous instrument.

Assault in the third degree is a class A misdemeanor.

### Explanation of Law:

Does the term "beer muscles" sound familiar? Bar fights are the most common circumstances under which students get charged with assault. Note that in sub-section two, even if you are fighting with a buddy who chooses not to press charges against you, if you or your friend injure a third party because of your reckless actions, you can be charged with assault.

### PL 195.05 Obstructing governmental administration in the second degree:

A person is guilty of obstructing governmental administration when he intentionally obstructs, impairs or perverts the administration of law or other governmental function or prevents or attempts to prevent a public servant from performing an official function, by means of intimidation, physical force or interference.

Obstructing governmental administration is a class A misdemeanor.

**Explanation of Law:**

Don't interfere with a police officer who is conducting an investigation or handling a call and you won't have to be concerned with this section. If you take exception to how a police officer is handling a call, take it up with his supervisor at the station. In the middle of an emotionally charged situation at bar closing time on State St is not the time to tell a police officer how to do his job.

[PL 205.30 Resisting arrest:](#)

A person is guilty of resisting arrest when he intentionally prevents or attempts to prevent a police officer or peace officer from effecting an authorized arrest of himself or another person.

Resisting arrest is a class A misdemeanor.

**Explanation of Law:**

Don't fight or resist the efforts of a police officer who is making an authorized arrest, EVEN IF YOU THINK IT IS NOT AUTHORIZED. The courts will make that determination. Note also that you can be charged with resisting arrest if you attempt to prevent a police officer from making an arrest of someone else.

[PL 240.20 Disorderly conduct:](#)

A person is guilty of disorderly conduct when with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof:

1. He engages in fighting or in violent, tumultuous or threatening behavior; or
2. He makes unreasonable noise; or
3. In a public place, he uses abusive or obscene language or makes an obscene gesture; or
4. Without lawful authority, he disturbs any lawful assembly or meeting of persons; or
5. He obstructs vehicular or pedestrian traffic; or
6. He congregates with other persons in a public place and refuses to comply with a lawful order of the police to disperse;  
or
7. He creates a hazardous or physically offensive condition by any act which serves no legitimate purpose.

Disorderly conduct is a violation.

**Explanation of Law:**

There are a number of sub-sections in the Disorderly Conduct statute that can apply. Most are self-evident but you should take note of sub-section 6, which relates to failure to comply with the lawful order of a police officer to disperse. Bar closing time when the officers have just broke up numerous fights is not the time to invoke your right to lawfully assemble. Disperse when ordered to do so and have a representative (not all 10 or 12 of you) check on the status of your arrested friend at the police station. Chances are, unless he has been charged with a felony, he will be released after booking and processing. Also sub-section 7 covers circumstance where you feel the need to urinate on a building on State St moments after leaving a bar which had a fully functioning restroom.

[PL 240.26 Harassment in the second degree:](#)

A person is guilty of harassment in the second degree when, with intent to harass, annoy or alarm another person:

1. He or she strikes, shoves, kicks or otherwise subjects such other person to physical contact, or attempts or threatens to do the same; or
2. He or she follows a person in or about a public place or places; or
3. He or she engages in a course of conduct or repeatedly commits acts which alarm or seriously annoy such other person and which serve no legitimate purpose.

Harassment in the second degree is a violation.

#### [PL 155.25 Petit Larceny:](#)

A person is guilty of petit larceny when he steals property.

Petit Larceny is a class A misdemeanor.

#### **Explanation of Law:**

Think twice before decorating your dorm room or apartment with a stop sign from campus or a real estate sign from a lawn.

#### [PL 140.05 Trespass:](#)

A person is guilty of trespass when he knowingly enters or remains unlawfully in or upon a premises.

Trespass is a violation.

#### **Explanation of Law:**

Premises is defined as any real property and it includes a building. If the property is fenced in or the building is a dwelling, the charge becomes Criminal Trespass and the seriousness increases.

#### [PL 145.00 Criminal mischief in the fourth degree:](#)

A person is guilty of criminal mischief in the fourth degree when, having no right to do so nor any reasonable ground to believe that he has such right, he:

1. Intentionally damages property of another person; or
2. Intentionally participates in the destruction of an abandoned building; or
3. Recklessly damages property of another person in an amount exceeding two hundred and fifty dollars.

Criminal mischief in the fourth degree is a class A misdemeanor.

#### **Explanation of Law:**

Damage to any property which doesn't belong to you, regardless of its value can result in the misdemeanor charge of criminal mischief. If the property's value exceeds \$250, you will be charged with a felony.

#### [PL 190.23 False personation:](#)

A person is guilty of false personation when, after being informed of the consequences of such act, the said person does knowingly misrepresent his actual name, date of birth or address to a police officer with intent to prevent such police officer from ascertaining such information.

False personation is a class B misdemeanor.

#### PL 170.20 Criminal possession of a forged instrument in the third degree:

A person is guilty of criminal possession of a forged instrument in the third degree when, with knowledge that it is forged and with intent to defraud, deceive or injure another, he utters or possesses a forged instrument.

Criminal possession of a forged instrument in the third degree is a class A misdemeanor.

#### **Explanation of Law:**

This is the penal law equivalent of the ABC violation that relates to altered driver's licenses among other things. The penal law charge is more serious though.

#### PL 260.20 sub (2) Unlawfully dealing with a child in the first degree:

A person is guilty of unlawfully dealing with a child in the first degree when, he gives or sells or causes to be given or sold any alcoholic beverage to a person less than twenty-one years old.

Unlawfully dealing with a child in the first degree is a class A misdemeanor.

#### **Explanation of Law:**

Again, this is the penal counterpart of the ABC violation "Procuring alcoholic beverages for persons under the age of 21". You should be aware though that an 18 year old can be charged with this section for giving another 18 year old a beer. This does not apply exclusively to a 21 year old giving a minor a drink.

#### PL 145.60 Making Graffiti:

1. For purposes of this section, the term "graffiti" shall mean the etching, painting, covering, drawing upon or otherwise placing of a mark upon public or private property with intent to damage such property.
2. No person shall make graffiti of any type on a any building, public or private, or any other property real or personal owned by any person, firm or corporation or any public agency or instrumentality, without the express permission of the owner or operator of said property.

Making graffiti is a class A misdemeanor.

#### PL 145.65 Possession of graffiti instruments:

A person is guilty of possession of graffiti instruments when he possesses any tool, instrument, article, substance, solution or other compound designed or commonly used to etch, paint, cover, draw upon or otherwise place a mark upon a piece of property which that person has no permission or authority to etch, paint, cover, draw upon or otherwise mark, under circumstances evincing an intent to use same in order to damage such property.

Possession of graffiti instruments is a class B misdemeanor.

## DEFINITIONS

**Violation:** An offense, other than a traffic infraction for which a sentence to a term of imprisonment in excess of fifteen days cannot be imposed.

**Misdemeanor:** An offense, other than a traffic infraction, for which a sentence to a term of imprisonment in excess of fifteen days may be imposed, but for which a sentence to a term of imprisonment in excess of one year cannot be imposed.

**Felony:** An offense for which a sentence to a term of imprisonment in excess of a year may be imposed.