

**LOCAL LAWS
OF
THE CITY OF NEW YORK**

FOR THE YEAR 1998

No. 22

Introduced by The Speaker (Council Member Vallone) and Council Members Wooten, Leffler, Duane, Eisland, Henry, Fiala, Fusco, Stabile, Weiner, White, Golden, Fisher, Marshall and Povman (in conjunction with the Mayor); also Council Members DiBrienza, Foster, Lasher, McCaffrey, Michels, O'Donovan, Provenzano, Robles, Warden and Abel.

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to possession of box cutters on school premises or in a public place.

Be it enacted by the Council as follows:

Section 1. The title of section 10-134.1 of the administrative code of the city of New York, as added by local law number 80 for the year 1995, is amended to read as follows:

§ 10-134.1 Prohibition on sale of box cutters to [minors] *persons under twenty-one years of age*, open displays of box cutters by sellers, and possession of box cutters *in a public place*, or on school premises by persons under twenty-two years of age.

§ 2. Paragraph 3 of subdivision b of section 10-134.1 of the administrative code of the city of New York, as added by local law number 80 for the year 1995, is renumbered paragraph 4, and a new paragraph 3 is added to read as follows:

(3) *"Public place" means a place to which the public or a substantial group of persons has access, and includes, but is not limited to, any street, highway, parking lot, plaza, transportation facility, school, place of amusement, park, playground, and any hallway, lobby and other portion of an apartment house or hotel not constituting a room or apartment designed for actual residence.*

§ 3. Paragraph 4 of subdivision b of section 10-134.1 of the administrative code of the city of New York, as renumbered by section 2 of this local law, is amended to read as follows:

(4) *"School premises" means the buildings, grounds, or facilities, or any portion thereof, owned, occupied by, or under the custody or control of public and private institutions for the primary purpose of providing educational instruction to students [at or below the twelfth grade level], and any vehicles owned, operated or leased by such institutions which are used to transport such students or the personnel of such institutions.*

§ 4. Subdivision c of section 10.134.1 of the administrative code of the city of New York, as added by local law number 80 for the year 1995, is amended to read as follows:

c. It shall be unlawful for any person to sell or offer to sell or cause any person to sell or offer to sell a box cutter to any individual under [eighteen] *twenty-one* years of age.

§ 5. Subdivision e of section 10-134.1 of the administrative code of the city of New York, as added by local law number 80 for the year 1995, is amended to read as follows:

e. It shall be unlawful for any person under twenty-two years of age to possess a box cutter *on school premises, and unlawful for any person under twenty-one years of age to possess a box cutter while in a public place* [on school premises]; provided, however, that nothing in this subdivision shall preclude:

(1) the temporary transfer on school premises of such an instrument to a person under twenty-two years of age for a valid *instructional, or school-related* purpose where such device is used only under the supervision of a school staff person[; and provided further that nothing in this subdivision shall preclude] *or other authorized instructor; or*

(2) the *possession or use of such an instrument in a public place by any person under twenty-one years of age* or on school premises by any person under twenty-two years of age so long as *it occurs under circumstances in which* such person is performing work on such premises during the course of his or her employment, and such instrument is used only under the supervision of his or her employer or such employer's agent or a school staff person.

§ 6. Subdivision f of section 10.134.1 of the administrative code of the city of New York, as added by local law number 80 for the year 1995, is renumbered subdivision g, and a new subdivision f is added to read as follows:

f. *When a person is found to possess a box cutter while in a public place in violation of subdivision e of this section, it is an affirmative defense that:*

(1) *such person is traveling to or from school premises, where it was or will be used for a valid instructional or school related purpose and used only under the supervision of a school staff member or other authorized instructor, and such person has not displayed the box cutter in a menacing or threatening manner, or in a manner that a reasonable person would believe manifests an intent to use such box cutter for a criminal purpose; or*

(2) *such person is traveling to or from his or her place of employment, where it was or will be used during the course of such employment and used only under the supervision of his or her employer or such employer's agent, and such person has not displayed the box cutter in a menacing or threatening manner, or in a manner that a reasonable person would believe manifests an intent to use such box cutter for a criminal purpose.*

§ 7. This local law shall take effect 60 days after its enactment into law.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on April 28, 1998, and approved by the Mayor on May 18, 1998.

CARLOS CUEVAS, City Clerk, Clerk of the Council

CERTIFICATION PURSUANT TO MUNICIPAL HOME RULE LAW § 27

Pursuant to the provisions of Municipal Home Rule Law § 27, I hereby certify that the enclosed local law (Local Law 22 of 1998, Council Int. No. 17-A) contains the correct text and:

Received the following vote at the meeting of the New York City Council on April 28, 1998: 46 FOR, 0 AGAINST.

Was signed by the Mayor on May 18, 1998.

Was returned to the City Clerk on May 20, 1998.

JEFFREY D. FRIEDLANDER, Acting Corporation Counsel