
MUNICIPAL ORDINANCE - NEW YORK

People v. Hoyt

Criminal Court, City of New York, New York County - November 29, 2016 - N.Y.S.3d - 2016 WL 6989398 - 2016 N.Y. Slip Op. 26391

A defendant charged with serial acts of public lewdness moved to dismiss the count.

The Criminal Court of the City of New York held that local law prohibiting serial acts of public lewdness was not preempted by state law.

New York State Legislature's enactment of public lewdness statute and public lewdness in the first degree statute did not intend to occupy the entire field of offenses involving public lewdness, and therefore city's enactment of local law prohibiting serial acts of public lewdness was not preempted by state law and complied with constitutional home rule provision conferring broad police power upon local government relating to the welfare of its citizens; neither state statute conflicted with local law and state's public lewdness in the first degree statute was enacted after the local law and was silent on preemption.

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