S T A T E O F N E W Y O R K

4171

2009-2010 Regular Sessions

I N S E N A T E

April 15, 2009

Introduced by Sens. FLANAGAN, O. JOHNSON, LANZA, LAVALLE, MORAHAN, SEWARD, VOLKER -- 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 establishing the crime of public larceny

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Section 155.00 of the penal law is amended by adding a new subdivision 10 to read as follows:

10. "UNAUTHORIZED PURCHASES" MEANS ANY PURCHASE MADE BY MEANS OF ANY CREDIT OR DEBIT CHARGE MADE AGAINST A CREDIT OR DEBIT CARD NOT AUTHORIZED BY THE EMPLOYER WHO ISSUED THE CARD OR ANY PURCHASE MADE BY MEANS OF ANY CREDIT OR DEBIT CHARGE MADE AGAINST A CREDIT OR DEBIT CARD ISSUED BY AN EMPLOYER NOT CONSISTENT WITH THE PROVISIONS OF THE AGREEMENT SIGNED BY THE EMPLOYEE WHEN THE CARD WAS ISSUED TO THE EMPLOYEE.

S 2. The penal law is amended by adding five new sections 155.50, 155.55, 155.60, 155.65 and 155.70 to read as follows:

S 155.50 PUBLIC LARCENY IN THE FIFTH DEGREE.

A PERSON IS GUILTY OF PUBLIC LARCENY IN THE FIFTH DEGREE WHEN HE OR SHE IS AN EMPLOYEE OF THE STATE OR A POLITICAL SUBDIVISION OF THE STATE OR A GOVERNMENTAL INSTRUMENTALITY WITHIN THE STATE, POSSESSING A CREDIT OR DEBIT CARD ISSUED BY HIS OR HER EMPLOYER AND THE PERSON MAKES UNAUTHORIZED PURCHASES USING SUCH CREDIT OR DEBIT CARD FOR GOODS AND SERVICES.

PUBLIC LARCENY IN THE FIFTH DEGREE IS A CLASS A MISDEMEANOR.

S 155.55 PUBLIC LARCENY IN THE FOURTH DEGREE.

A PERSON IS GUILTY OF PUBLIC LARCENY IN THE FOURTH DEGREE WHEN HE OR SHE IS AN EMPLOYEE OF THE STATE OR A POLITICAL SUBDIVISION OF THE STATE OR A GOVERNMENTAL INSTRUMENTALITY WITHIN THE STATE, POSSESSING A CREDIT OR DEBIT CARD ISSUED BY HIS OR HER EMPLOYER AND THE PERSON MAKES UNAU-

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

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THORIZED PURCHASES USING SUCH CREDIT OR DEBIT CARD FOR GOODS AND SERVICES EXCEEDING ONE THOUSAND DOLLARS.

PUBLIC LARCENY IN THE FOURTH DEGREE IS A CLASS E FELONY.

S 155.60 PUBLIC LARCENY IN THE THIRD DEGREE.

A PERSON IS GUILTY OF PUBLIC LARCENY IN THE THIRD DEGREE WHEN HE OR SHE IS AN EMPLOYEE OF THE STATE OR A POLITICAL SUBDIVISION OF THE STATE OR A GOVERNMENTAL INSTRUMENTALITY WITHIN THE STATE, POSSESSING A CREDIT OR DEBIT CARD ISSUED BY HIS OR HER EMPLOYER AND THE PERSON MAKES UNAUTHORIZED PURCHASES USING SUCH CREDIT OR DEBIT CARD FOR GOODS AND SERVICES EXCEEDING THREE THOUSAND DOLLARS.

PUBLIC LARCENY IN THE THIRD DEGREE IS A CLASS D FELONY.

S 155.65 PUBLIC LARCENY IN THE SECOND DEGREE.

A PERSON IS GUILTY OF PUBLIC LARCENY IN THE SECOND DEGREE WHEN HE OR SHE IS AN EMPLOYEE OF THE STATE OR A POLITICAL SUBDIVISION OF THE STATE OR A GOVERNMENTAL INSTRUMENTALITY WITHIN THE STATE, POSSESSING A CREDIT OR DEBIT CARD ISSUED BY HIS OR HER EMPLOYER AND THE PERSON MAKES UNAUTHORIZED PURCHASES USING SUCH CREDIT OR DEBIT CARD FOR GOODS AND SERVICES EXCEEDING FIFTY THOUSAND DOLLARS.

PUBLIC LARCENY IN THE SECOND DEGREE IS A CLASS C FELONY.

S 155.70 PUBLIC LARCENY IN THE FIRST DEGREE.

A PERSON IS GUILTY OF PUBLIC LARCENY IN THE FIRST DEGREE WHEN HE OR SHE IS AN EMPLOYEE OF THE STATE OR A POLITICAL SUBDIVISION OF THE STATE OR A GOVERNMENTAL INSTRUMENTALITY WITHIN THE STATE, POSSESSING A CREDIT OR DEBIT CARD ISSUED BY HIS OR HER EMPLOYER AND THE PERSON MAKES UNAUTHORIZED PURCHASES USING SUCH CREDIT OR DEBIT CARD FOR GOODS AND SERVICES EXCEEDING ONE HUNDRED THOUSAND DOLLARS.

PUBLIC LARCENY IN THE FIRST DEGREE IS A CLASS B FELONY.

S 3. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.