

4610--A

Cal. No. 644

2011-2012 Regular Sessions

I N S E N A T E

April 13, 2011

Introduced by Sens. FUSCHILLO, AVELLA, GOLDEN, JOHNSON, LARKIN, O'MARA, STAVISKY, ZELDIN -- read twice and ordered printed, and when printed to be committed to the Committee on Codes -- recommitted to the Committee on Codes in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, passed by Senate and delivered to the Assembly, recalled, vote reconsidered, restored to third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the penal law, in relation to the theft of services

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

1 Section 1. Subdivision 3 and the closing paragraph of section 165.15
2 of the penal law, the closing paragraph as amended by chapter 491 of the
3 laws of 1992, are amended to read as follows:
4 3. With intent to obtain railroad, subway, bus, air, taxi or any other
5 public transportation service OR TO USE ANY HIGHWAY, PARKWAY, ROAD,
6 BRIDGE OR TUNNEL without payment of the lawful charge OR TOLL therefor,
7 or to avoid payment of the lawful charge OR TOLL for such transportation
8 service which has been rendered to him OR HER OR FOR SUCH USE OF ANY
9 HIGHWAY, PARKWAY, ROAD, BRIDGE OR TUNNEL, he OR SHE obtains or attempts
10 to obtain such service OR USE or avoids or attempts to avoid payment
11 therefor by force, intimidation, stealth, deception or mechanical
12 tampering, or by unjustifiable failure or refusal to pay; or
13 Theft of services is a class A misdemeanor, provided, however, that
14 theft of cable television service as defined by the provisions of para-
15 graphs (a), (c) and (d) of subdivision four of this section, and having
16 a value not in excess of one hundred dollars by a person who has not
17 been previously convicted of theft of services under subdivision four of
18 this section is a violation, that theft of services under subdivision
19 nine of this section by a person who has not been previously convicted

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

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1 of theft of services under subdivision nine of this section is a
2 violation and provided further, however, that theft of [services of] any
3 [telephone] service [under paragraph (a) or (b) of subdivision five of
4 this section] having a value in excess of one thousand dollars or by a
5 person who has been previously convicted within five years of theft of
6 services under paragraph (a) of subdivision five of this section is a
7 class E felony.

8 S 2. This act shall take effect on the first of November next succeed-
9 ing the date on which it shall have become a law.