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I N   S E N A T E

April 16, 2012

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Introduced by Sen. ZELDIN -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection

AN ACT to amend the general business law and the penal law, in relation to establishing jurisdiction and venue for a pattern of criminal offenses

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

1     Section 1. The general business law is amended by adding a new section  
2     527 to read as follows:

3     S 527. JURISDICTION AND VENUE FOR A PATTERN OF CRIMINAL OFFENSE. 1. A  
4     PERSON MAY BE PROSECUTED FOR CRIMINAL ACTIONS WITH RESPECT TO EACH OF  
5     THE ALLEGED CRIMINAL OFFENSES INCLUDED WITHIN A PATTERN OF CRIMINAL  
6     OFFENSES THAT ARE PART OF THE SAME PLAN, SCHEME, OR ADVENTURE OF ORGAN-  
7     IZED RETAIL CRIME, IN ANY COUNTY WHERE AT LEAST ONE ALLEGED CRIMINAL  
8     OFFENSE HAS OCCURRED AND SUCH OFFENSE IS PART OF THE ALLEGED PATTERN OF  
9     CRIMINAL ACTIVITY. ONE DISTRICT COURT MAY POSSESS JURISDICTION OVER ALL  
10    CRIMINAL OFFENSES, PERSONS AND PROPERTY THAT ARE PART OF, OR ARE DIRECT-  
11    LY RELATED TO, EACH OR ALL OF THE ALLEGED CRIMINAL OFFENSES FORMING THE  
12    ALLEGED PATTERN OF CRIMINAL OFFENSES OF ORGANIZED RETAIL CRIME.

13    2. THIS SECTION SHALL BE ENFORCED IN ANY COUNTY WHERE AT LEAST ONE  
14    ALLEGED CRIMINAL OFFENSE HAS OCCURRED AND SUCH OFFENSE IS PART OF THE  
15    ALLEGED PATTERN OF CRIMINAL ACTIVITY.

16    S 2. The penal law is amended by adding a new section 70.16 to read as  
17    follows:

18    S 70.16 JURISDICTION AND VENUE FOR A PATTERN OF CRIMINAL OFFENSE.

19    1. A PERSON MAY BE PROSECUTED FOR CRIMINAL ACTIONS WITH RESPECT TO  
20    EACH OF THE ALLEGED CRIMINAL OFFENSES INCLUDED WITHIN A PATTERN OF CRIM-  
21    INAL OFFENSES THAT ARE PART OF THE SAME PLAN, SCHEME, OR ADVENTURE, IN  
22    ANY COUNTY WHERE AT LEAST ONE ALLEGED CRIMINAL OFFENSE HAS OCCURRED AND  
23    SUCH OFFENSE IS PART OF THE ALLEGED PATTERN OF CRIMINAL ACTIVITY. ONE  
24    DISTRICT COURT MAY POSSESS JURISDICTION OVER ALL CRIMINAL OFFENSES,  
25    PERSONS AND PROPERTY THAT ARE PART OF, OR ARE DIRECTLY RELATED TO, EACH  
26    OR ALL OF THE ALLEGED CRIMINAL OFFENSES FORMING THE ALLEGED PATTERN OF  
27    CRIMINAL OFFENSES.

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

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1       2. THIS SECTION SHALL BE ENFORCED IN ANY COUNTY WHERE AT LEAST ONE  
2 ALLEGED CRIMINAL OFFENSE HAS OCCURRED AND SUCH OFFENSE IS PART OF THE  
3 ALLEGED PATTERN OF CRIMINAL ACTIVITY.  
4       S 3. This act shall take effect on the first of November next succeed-  
5 ing the date on which it shall have become a law.