

6958--B

I N S E N A T E

April 16, 2012

Introduced by Sen. ZELDIN -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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
2 393-e to read as follows:

3 S 393-E. JURISDICTION AND VENUE FOR A PATTERN OF CRIMINAL OFFENSE. 1.
4 A 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 OR COUNTY COURT MAY POSSESS JURIS-
10 DICTION OVER ALL CRIMINAL OFFENSES, PERSONS AND PROPERTY THAT ARE PART
11 OF, OR ARE DIRECTLY RELATED TO, EACH OR ALL OF THE ALLEGED CRIMINAL
12 OFFENSES FORMING THE ALLEGED PATTERN OF CRIMINAL OFFENSES OF ORGANIZED
13 RETAIL CRIME.

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

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

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

20 1. A PERSON MAY BE PROSECUTED FOR CRIMINAL ACTIONS WITH RESPECT TO
21 EACH OF THE ALLEGED CRIMINAL OFFENSES INCLUDED WITHIN A PATTERN OF CRIM-
22 INAL OFFENSES THAT ARE PART OF THE SAME PLAN, SCHEME, OR ADVENTURE, IN
23 ANY COUNTY WHERE AT LEAST ONE ALLEGED CRIMINAL OFFENSE HAS OCCURRED AND
24 SUCH OFFENSE IS PART OF THE ALLEGED PATTERN OF CRIMINAL ACTIVITY. ONE

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

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1 DISTRICT COURT OR COUNTY COURT MAY POSSESS JURISDICTION OVER ALL CRIMI-
2 NAL OFFENSES, PERSONS AND PROPERTY THAT ARE PART OF, OR ARE DIRECTLY
3 RELATED TO, EACH OR ALL OF THE ALLEGED CRIMINAL OFFENSES FORMING THE
4 ALLEGED PATTERN OF CRIMINAL OFFENSES.

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

8 S 3. This act shall take effect on the first of November next succeed-
9 ing the date on which it shall have become a law.