

720--A

2011-2012 Regular Sessions

I N   S E N A T E

(PREFILED)

January 5, 2011

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

AN ACT to amend the penal law, in relation to expanding the crime of robbery in the first and second degrees to include attempts of such crime with a device appearing to be a bomb or other explosive device

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

1     Section 1. Subdivision 3 of section 160.15 of the penal law, as  
2 amended by chapter 374 of the laws of 1973, is amended to read as  
3 follows:  
4     3. Uses or threatens the immediate use of a dangerous instrument,  
5 INCLUDING BUT NOT LIMITED TO, ANY DEVICE OR OBJECT THAT CONSTITUTES,  
6 APPEARS TO CONSTITUTE, OR IS REPRESENTED TO CONSTITUTE, IN WHOLE OR IN  
7 PART, A BOMB, DESTRUCTIVE DEVICE, OR AN EXPLOSIVE OR HAZARDOUS  
8 SUBSTANCE; EXCEPT THAT IN ANY PROSECUTION UNDER THIS SUBDIVISION, IT IS  
9 AN AFFIRMATIVE DEFENSE THAT SUCH DEVICE OR OBJECT WHICH WAS THREATENED,  
10 WAS NOT AN OPERATIVE BOMB, DESTRUCTIVE DEVICE, EXPLOSIVE OR HAZARDOUS  
11 SUBSTANCE. NOTHING CONTAINED IN THIS SUBDIVISION SHALL CONSTITUTE A  
12 DEFENSE TO A PROSECUTION FOR, OR PRECLUDE A CONVICTION OF, ROBBERY IN  
13 THE SECOND DEGREE, ROBBERY IN THE THIRD DEGREE OR ANY OTHER CRIME; or  
14     S 2. Subdivision 2 of section 160.10 of the penal law is amended by  
15 adding a new paragraph (c) to read as follows:  
16     (C) DISPLAYS OR THREATENS TO USE ANY DEVICE OR OBJECT THAT CONSTI-  
17 TUTES, APPEARS TO CONSTITUTE, OR IS REPRESENTED TO CONSTITUTE, IN WHOLE  
18 OR IN PART, A BOMB, DESTRUCTIVE DEVICE, OR AN EXPLOSIVE OR HAZARDOUS  
19 SUBSTANCE; OR  
20     S 3. This act shall take effect on the first of November next succeed-  
21 ing the date on which it shall have become a law.

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

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