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2926

2013-2014 Regular Sessions

I N   S E N A T E

January 25, 2013
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Introduced by Sens. ZELDIN, MAZIARZ -- 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 jurisdiction
   and venue for a pattern of criminal offenses

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

 1   Section 1. The penal law is amended by adding a new section 70.16 to
 2 read as follows:
 3 S 70.16 JURISDICTION AND VENUE FOR A PATTERN OF ORGANIZED RETAIL CRIME
 4   OFFENSES.
 5   1. A PERSON MAY BE PROSECUTED FOR CRIMINAL ACTIONS WITH RESPECT TO
 6 EACH OF THE ALLEGED CRIMINAL OFFENSES INCLUDED WITHIN A PATTERN OF CRIM-
 7 INAL OFFENSES THAT ARE PART OF THE SAME PLAN, SCHEME, OR ADVENTURE OF
 8 ORGANIZED RETAIL CRIME, IN ANY COUNTY WHERE AT LEAST ONE ALLEGED CRIMI-
 9 NAL OFFENSE HAS OCCURRED AND SUCH OFFENSE IS PART OF THE ALLEGED PATTERN
10 OF CRIMINAL ACTIVITY. ONE DISTRICT COURT OR COUNTY COURT MAY POSSESS
11 JURISDICTION OVER ALL CRIMINAL OFFENSES, PERSONS AND PROPERTY THAT ARE
12 PART OF, OR ARE DIRECTLY RELATED TO, EACH OR ALL OF THE ALLEGED CRIMINAL
13 OFFENSES FORMING THE ALLEGED PATTERN OF CRIMINAL OFFENSES.
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   3. FOR PURPOSES OF THIS SECTION, ORGANIZED RETAIL CRIME SHALL MEAN THE
18 STEALING, EMBEZZLEMENT, OR OBTAINING BY FRAUD, FALSE PRETENSES, OR OTHER
19 ILLEGAL MEANS, RETAIL MERCHANDISE IN QUANTITIES THAT WOULD NOT NORMALLY
20 BE PURCHASED FOR PERSONAL USE OR CONSUMPTION, FOR THE PURPOSES OF
21 RESELLING, TRADING, OR OTHERWISE REENTERING SUCH RETAIL MERCHANDISE IN
22 COMMERCE.
23   S 2. This act shall take effect on the first of November next succeed-
24 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.
                                                          LBD01061-01-3