

7128

I N S E N A T E

March 30, 2016

Introduced by Sen. GOLDEN -- 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 aggravated grand larceny of an automated teller machine

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

1 Section 1. Section 155.00 of the penal law is amended by adding a new
2 subdivision 10 to read as follows:
3 10. "AUTOMATED TELLER MACHINE" MEANS A DEVICE THAT IS LINKED TO A
4 BANKING INSTITUTION OR A NETWORK OF BANKING INSTITUTIONS, ENTITIES THAT
5 PROVIDE CONSUMER CREDIT, OR A COMBINATION OF SUCH INSTITUTIONS AND ENTITIES,
6 WHICH ENABLES CONSUMERS TO CARRY OUT ONE OR MORE BANKING TRANSACTIONS
7 AND/OR FINANCIAL TRANSACTIONS. BANKING TRANSACTIONS SHALL
8 INCLUDE, BUT ARE NOT LIMITED TO, ACCOUNT TRANSFERS, DEPOSITS, CASH WITHDRAWALS,
9 BALANCE INQUIRIES AND LOAN PAYMENTS. FINANCIAL TRANSACTIONS
10 SHALL INCLUDE, BUT ARE NOT LIMITED TO, CASH ADVANCES, CREDIT CARD
11 PAYMENTS AND BALANCE INQUIRIES.
12 S 2. Section 155.43 of the penal law, as added by chapter 464 of the
13 laws of 2010, is amended to read as follows:
14 S 155.43 Aggravated grand larceny of an automated teller machine.
15 A person is guilty of aggravated grand larceny of an automated teller
16 machine when he or she commits the crime of grand larceny in the third
17 degree, as defined in subdivision two of section 155.35 of this article
18 and has been previously convicted of grand larceny in the third degree
19 within the previous [five] TEN years.
20 Aggravated grand larceny of an automated teller machine is a class C
21 felony.
22 S 3. This act shall take effect on the first of November next succeeding
23 the date upon 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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