

STATE OF NEW YORK

3989

2021-2022 Regular Sessions

IN ASSEMBLY

February 1, 2021

Introduced by M. of A. CUSICK -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to establishing the offenses of destruction of police property in the fourth degree, destruction of police property in the third degree, destruction of police property in the second degree and destruction of police property in the first degree

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The penal law is amended by adding 4 new sections 145.16, 145.17, 145.18 and 145.19 to read as follows:

§ 145.16 Destruction of police property in the fourth degree.

A person is guilty of destruction of police property in the fourth degree when, having no right to do so nor any reasonable ground to believe that he or she has such right, he or she:

1. intentionally damages police property; or

2. recklessly damages police property in an amount exceeding two hundred fifty dollars; or

3. with intent to prevent a police officer or sheriff from communicating a request for emergency assistance, intentionally disables or removes telephonic, TTY or similar communication sending equipment while such officer:

(a) is attempting to seek or is engaged in the process of seeking emergency assistance from police, law enforcement, fire or emergency medical services personnel; or

(b) is attempting to seek or is engaged in the process of seeking emergency assistance from another person or entity in order to protect himself, herself or a third person from imminent physical injury. The fact that the defendant has an ownership interest in such equipment shall not be a defense to a charge pursuant to this subdivision.

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

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1 Destruction of police property in the fourth degree is a class E felony.

2
3 § 145.17 Destruction of police property in the third degree.

4 A person is guilty of destruction of police property in the third
5 degree when, with intent to damage police property, and having no right
6 to do so nor any reasonable ground to believe that he or she has such
7 right, he or she:

8 1. (a) damages a motor vehicle belonging to the division of the state
9 police, a police department or a sheriff's office, by breaking into such
10 vehicle when it is locked with the intent of stealing property; and

11 (b) within the previous ten year period, has been convicted three or
12 more times, in separate criminal transactions for which sentence was
13 imposed on separate occasions of:

14 (i) criminal mischief in the fourth degree as defined in section
15 145.00, criminal mischief in the third degree as defined in section
16 145.05, criminal mischief in the second degree as defined in section
17 145.10, or criminal mischief in the first degree as defined in section
18 145.12 of this article; or

19 (ii) destruction of police property in the fourth degree as defined in
20 section 145.16, destruction of police property in the third degree as
21 defined in this section, destruction of police property in the second
22 degree as defined in section 145.18, or destruction of police property
23 in the first degree as defined in section 145.19 of this article; or

24 2. damages police property in an amount exceeding two hundred fifty
25 dollars.

26 Destruction of police property in the third degree is a class D felony.

27
28 § 145.18 Destruction of police property in the second degree.

29 A person is guilty of destruction of police property in the second
30 degree when with intent to damage police property, and having no right
31 to do so nor any reasonable ground to believe that he or she has such
32 right, he or she damages police property in an amount exceeding one
33 thousand five hundred dollars.

34 Destruction of police property in the second degree is a class C felony.

35
36 § 145.19 Destruction of police property in the first degree.

37 A person is guilty of destruction of police property in the first
38 degree when with intent to damage police property, and having no right
39 to do so nor any reasonable ground to believe that he or she has such
40 right, he or she damages police property by means of an explosive.

41 Destruction of police property in the first degree is a class A felony.

42
43 § 2. Section 145.13 of the penal law, as amended by chapter 45 of the
44 laws of 2009, is amended to read as follows:

45 § 145.13 Definitions.

46 (1) For the purposes of sections 145.00, 145.05, 145.10 and 145.12 of
47 this article:

48 "Property of another" shall include all property in which another
49 person has an ownership interest, whether or not a person who damages
50 such property, or any other person, may also have an interest in such
51 property.

52 2. For the purposes of sections 145.16, 145.17, 145.18 and 145.19 of
53 this article:

54 "Police property" shall include all property in which:

55 (a) the division of the state police, a police department or a sher-
56 iff's office has an ownership interest; or

1 (b) a municipality has an ownership interest and which is provided to
2 a police department or sheriff's office for use by such department or
3 office.

4 § 3. This act shall take effect on the first of November next succeed-
5 ing the date upon which it shall have become a law.