

# STATE OF NEW YORK

8372

2023-2024 Regular Sessions

## IN ASSEMBLY

December 13, 2023

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

AN ACT to amend the penal law, in relation to the theft of benefits  
contained on an electronic benefit transfer card

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

- 1 Section 1. Section 155.35 of the penal law, as amended by chapter 464  
2 of the laws of 2010, is amended to read as follows:  
3 § 155.35 Grand larceny in the third degree.  
4 A person is guilty of grand larceny in the third degree when he or she  
5 steals property and:  
6 1. when the value of the property exceeds three thousand dollars[~~7~~  
7 ~~or~~];  
8 2. the property is an automated teller machine or the contents of an  
9 automated teller machine[~~-~~]; or  
10 3. the property consists of any benefits on an electronic benefit  
11 transfer card, regardless of value.  
12 Grand larceny in the third degree is a class D felony.  
13 § 2. Section 80.00 of the penal law is amended by adding a new subdi-  
14 vision 8 to read as follows:  
15 8. Notwithstanding any inconsistent provision of subdivisions one and  
16 three of this section, the court shall impose a fine for a violation of  
17 subdivision three of section 155.35 of this chapter in the amount of ten  
18 thousand dollars; and for each subsequent violation in the amount of  
19 fifteen thousand dollars.  
20 § 3. This act shall take effect immediately.

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

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