

STATE OF NEW YORK

8594

IN ASSEMBLY

January 12, 2024

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

AN ACT to amend the penal law, in relation to establishing the crime of coordinated petit larceny, the criminal procedure law, in relation to permitting a principal to be eligible to be held on bail for coordinated petit larceny; the executive law, in relation to directing the division of criminal justice services to conduct a public awareness campaign on larceny; and providing for the repeal of certain provisions of the executive law upon expiration thereof

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 a new section 155.27 to read as follows:

§ 155.27 Coordinated petit larceny.

A person is guilty of coordinated petit larceny when he or she steals property at the same location as one or more other persons who are also stealing property, who are causing property damage, or are facilitating the stealing of property or causing of property damage.

Coordinated petit larceny is a class E felony.

§ 2. Paragraphs (t) and (u) of subdivision 4 of section 510.10 of the criminal procedure law, paragraph (t) as amended and paragraph (u) as added by section 2 of subpart B of part UU of chapter 56 of the laws of 2022, are amended and a new paragraph (v) is added to read as follows:

(t) any felony or class A misdemeanor involving harm to an identifiable person or property, or any charge of criminal possession of a firearm as defined in section 265.01-b of the penal law, where such charge arose from conduct occurring while the defendant was released on his or her own recognizance, released under conditions, or had yet to be arraigned after the issuance of a desk appearance ticket for a separate felony or class A misdemeanor involving harm to an identifiable person or property, or any charge of criminal possession of a firearm as defined in section 265.01-b of the penal law, provided, however, that the prosecutor must show reasonable cause to believe that the defendant committed the instant crime and any underlying crime. For the purposes

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

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of this subparagraph, any of the underlying crimes need not be a qualifying offense as defined in this subdivision. For the purposes of this paragraph, "harm to an identifiable person or property" shall include but not be limited to theft of or damage to property. However, based upon a review of the facts alleged in the accusatory instrument, if the court determines that such theft is negligible and does not appear to be in furtherance of other criminal activity, the principal shall be released on his or her own recognizance or under appropriate non-monetary conditions; ~~or~~

(u) criminal possession of a weapon in the third degree as defined in subdivision three of section 265.02 of the penal law or criminal sale of a firearm to a minor as defined in section 265.16 of the penal law~~[-];~~

or

(v) coordinated petit larceny as defined in section 155.27 of the penal law.

§ 3. Subparagraphs (xx) and (xxi) of paragraph (b) of subdivision 1 of section 530.20 of the criminal procedure law, subparagraph (xx) as amended and subparagraph (xxi) as added by section 4 of subpart C of part UU of chapter 56 of the laws of 2022, are amended and a new subparagraph (xxii) is added to read as follows:

(xx) any felony or class A misdemeanor involving harm to an identifiable person or property, or any charge of criminal possession of a firearm as defined in section 265.01-b of the penal law where such charge arose from conduct occurring while the defendant was released on his or her own recognizance, released under conditions, or had yet to be arraigned after the issuance of a desk appearance ticket for a separate felony or class A misdemeanor involving harm to an identifiable person or property, provided, however, that the prosecutor must show reasonable cause to believe that the defendant committed the instant crime and any underlying crime. For the purposes of this subparagraph, any of the underlying crimes need not be a qualifying offense as defined in this subdivision. For the purposes of this paragraph, "harm to an identifiable person or property" shall include but not be limited to theft of or damage to property. However, based upon a review of the facts alleged in the accusatory instrument, if the court determines that such theft is negligible and does not appear to be in furtherance of other criminal activity, the principal shall be released on his or her own recognizance or under appropriate non-monetary conditions; ~~or~~

(xxi) criminal possession of a weapon in the third degree as defined in subdivision three of section 265.02 of the penal law or criminal sale of a firearm to a minor as defined in section 265.16 of the penal law~~[-];~~ or

(xxii) coordinated petit larceny as defined in section 155.27 of the penal law.

§ 4. Paragraphs (t) and (u) of subdivision 4 of section 530.40 of the criminal procedure law, paragraph (t) as amended and paragraph (u) as added by section 4 of subpart B of part UU of chapter 56 of the laws of 2022, are amended and a new paragraph (v) is added to read as follows:

(t) any felony or class A misdemeanor involving harm to an identifiable person or property, or any charge of criminal possession of a firearm as defined in section 265.01-b of the penal law, where such charge arose from conduct occurring while the defendant was released on his or her own recognizance, released under conditions, or had yet to be arraigned after the issuance of a desk appearance ticket for a separate felony or class A misdemeanor involving harm to an identifiable person or property, or any charge of criminal possession of a firearm as

1 defined in section 265.01-b of the penal law, provided, however, that
2 the prosecutor must show reasonable cause to believe that the defendant
3 committed the instant crime and any underlying crime. For the purposes
4 of this subparagraph, any of the underlying crimes need not be a quali-
5 fying offense as defined in this subdivision. For the purposes of this
6 paragraph, "harm to an identifiable person or property" shall include
7 but not be limited to theft of or damage to property. However, based
8 upon a review of the facts alleged in the accusatory instrument, if the
9 court determines that such theft is negligible and does not appear to be
10 in furtherance of other criminal activity, the principal shall be
11 released on his or her own recognizance or under appropriate non-mone-
12 tary conditions; [~~or~~]

13 (u) criminal possession of a weapon in the third degree as defined in
14 subdivision three of section 265.02 of the penal law or criminal sale of
15 a firearm to a minor as defined in section 265.16 of the penal law[~~;~~];

16 or

17 (v) coordinated petit larceny as defined in section 155.27 of the
18 penal law.

19 § 5. The executive law is amended by adding a new section 837-y to
20 read as follows:

21 § 837-y. Larceny public awareness campaign. 1. The division shall
22 produce a public awareness campaign on larceny. Such campaign shall
23 include, but not be limited to, informing the public on coordinated
24 petit larceny as defined in section 155.27 of the penal law.

25 2. The public awareness campaign produced under subdivision one of
26 this section shall run for at least one year and shall begin within one
27 year of the effective date of this section.

28 § 6. This act shall take effect immediately; provided, however,
29 sections one, two, three, and four of this act shall take effect on the
30 ninetieth day after they shall have become a law; and provided further,
31 however, that section five of this act shall expire and be deemed
32 repealed two years after it shall have become a law.