S T A T E O F N E W Y O R K

490--A

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. DINOWITZ -- Multi-Sponsored by -- M. of A. ALFANO, BARRA, McKEVITT, SWEENEY, WALKER -- read once and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the penal law, in relation to the crime of unauthorized use of a motor vehicle in the second degree

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

Section 1. Section 165.06 of the penal law, as amended by chapter 413 of the laws of 1982, is amended to read as follows:

S 165.06 Unauthorized use of a vehicle in the second degree.

A person is guilty of unauthorized use of a vehicle in the second degree when:

He OR SHE commits the crime of unauthorized use of a vehicle in the third degree as defined in subdivision one of section 165.05 of this article and has been previously convicted of the crime of unauthorized use of a vehicle [in the third degree] as defined in [subdivision one of section 165.05 or second degree] SECTIONS 165.05, 165.06, AND 165.08, AUTO STRIPPING AS DEFINED IN SECTIONS 165.09, 165.10, AND 165.11, GRAND LARCENY OF A MOTOR VEHICLE AS DEFINED IN SECTIONS 155.30, 155.35, 155.40, AND 155.42, CRIMINAL POSSESSION OF STOLEN PROPERTY AS DEFINED IN SECTIONS 165.40, 165.45, 165.50, 165.52, AND 165.54 AND THE STOLEN PROPERTY CONSISTED OF A MOTOR VEHICLE, OR ILLEGAL POSSESSION OF A VEHICLE IDENTIFICATION NUMBER AS DEFINED IN SECTION 170.70 within the preceding ten years.

Unauthorized use of a vehicle in the second degree is a class E felony.

S 2. This act shall take effect on the ninetieth day after 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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