

2102

2009-2010 Regular Sessions

I N S E N A T E

February 11, 2009

Introduced by Sens. GOLDEN, LANZA, MORAHAN, PADAVAN, ROBACH, SKELOS,
VOLKER -- 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 burglary in the second
degree

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

1 Section 1. Section 140.25 of the penal law, paragraph (c) of subdivi-
2 sion 1 as added by chapter 791 of the laws of 1967, paragraph (d) of
3 subdivision 1 as amended by chapter 374 of the laws of 1973 and subdivi-
4 sion 2 as amended by chapter 361 of the laws of 1981, is amended to read
5 as follows:
6 S 140.25 Burglary in the second degree.
7 A person is guilty of burglary in the second degree when he OR SHE
8 knowingly enters or remains unlawfully in a building with intent to
9 commit a crime therein, and when:
10 1. In effecting entry or while in the building or in immediate flight
11 therefrom, he OR SHE or another participant in the crime:
12 (a) Is armed with explosives or a deadly weapon; or
13 (b) Causes physical injury to any person who is not a participant in
14 the crime; or
15 (c) Uses or threatens the immediate use of a dangerous instrument; or
16 (d) Displays what appears to be a pistol, revolver, rifle, shotgun,
17 machine gun or other firearm; or
18 (E) DISPLAYS ANY DEVICE OR OBJECT WHICH JUST BY ITS DESIGN,
19 CONSTRUCTION, CONTENT OR CHARACTERISTICS APPEARS TO BE OR TO CONTAIN A
20 BOMB, DESTRUCTIVE DEVICE, EXPLOSIVE OR HAZARDOUS SUBSTANCE, BUT IS, IN
21 FACT, AN INOPERATIVE FACSIMILE OR IMITATION OF SUCH A BOMB, DESTRUCTIVE
22 DEVICE, EXPLOSIVE OR HAZARDOUS SUBSTANCE; OR
23 2. The building is a dwelling.
24 Burglary in the second degree is a class C felony.
25 S 2. This act shall take effect on the one hundred twentieth day after
26 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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