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

865

2009-2010 Regular Sessions

I N S E N A T E

January 21, 2009

Introduced by Sen. MARCELLINO -- 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 criminal mischief in the third degree

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

Section 1. Section 145.05 of the penal law, as amended by chapter 276 of the laws of 2003, is amended to read as follows:

S 145.05 Criminal mischief in the third degree.

A person is guilty of criminal mischief in the third degree when, with intent to damage property of another person, and having no right to do so nor any reasonable ground to believe that he or she has such right, he or she:

1. damages the motor vehicle of another person, by breaking into such vehicle when it is locked with the intent of stealing property, and within the previous ten year period, has been convicted three or more times, in separate criminal transactions for which sentence was imposed on separate occasions, of criminal mischief in the fourth degree as defined in section 145.00, criminal mischief in the third degree as defined in this section, criminal mischief in the second degree as defined in section 145.10, or criminal mischief in the first degree as defined in section 145.12 of this article; [or]

2. damages property of another person in an amount exceeding two hundred fifty dollars; OR

3. DAMAGES PROPERTY OF ANOTHER PERSON IN AN AMOUNT EXCEEDING TWO HUNDRED FIFTY DOLLARS AND: (A) HIS OR HER INTENT TO COMMIT THE ACTIVITY WAS POLITICALLY MOTIVATED; OR (B) HE OR SHE ACTED ON BEHALF OR AT THE REQUEST OF OR THE BENEFIT OF ANY ASSOCIATION, ORGANIZATION, ENTITY, COALITION, OR COMBINATION OF TWO OR MORE PERSONS WITH THE PRIMARY OR INCIDENTAL PURPOSE OF SUPPORTING ANY POLITICALLY MOTIVATED ACTIVITY THROUGH INTIMIDATION, COERCION, FEAR, OR OTHER MEANS THAT IS INTENDED TO

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

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OBSTRUCT, IMPEDE OR DETER ANY PERSON FROM PARTICIPATING IN A LAWFUL ANIMAL ACTIVITY, OR THE LAWFUL ACTIVITY OF ANIMAL CONTROL, MINING, FORESTING, HARVESTING, GATHERING OR PROCESSING OF NATURAL RESOURCES.

Criminal mischief in the third degree is a class E felony.

S 2. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.