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

3006

2009-2010 Regular Sessions

I N S E N A T E

March 9, 2009

Introduced by Sen. LANZA -- 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 second degree

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

Section 1. Section 145.10 of the penal law, as amended by chapter 961 of the laws of 1971, is amended to read as follows:

S 145.10 Criminal mischief in the second degree.

A person is guilty of criminal mischief in the second 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 PROPERTY THAT IS PUBLIC PROPERTY. FOR THE PURPOSES OF THIS SECTION, "PUBLIC PROPERTY" MEANS PROPERTY OWNED, OPERATED OR CONTROLLED BY ANY GOVERNMENTAL AGENCY, INCLUDING, BUT NOT LIMITED TO, PARKS, PLAYGROUNDS, PARKING LOTS, SCHOOLS, LIBRARIES, POST OFFICES, MUNICIPAL TRANSIT FACILITIES AND OTHER PUBLIC BUILDINGS; OR

2. damages property of another person in an amount exceeding one thousand five hundred dollars.

Criminal mischief in the second degree is a class D 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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