

3240

2009-2010 Regular Sessions

I N   S E N A T E

March 13, 2009

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Introduced by Sens. FLANAGAN, MORAHAN, 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 definitions of criminal enterprise and pattern of criminal activity

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

1     Section 1. Subdivision 3 and paragraph (b) of subdivision 4 of section  
2     460.10 of the penal law, as added by chapter 516 of the laws of 1986,  
3     are amended to read as follows:  
4     3. "Criminal enterprise" means a group of persons sharing a common  
5     purpose of engaging in criminal conduct, associated in an ascertainable  
6     structure [distinct from a pattern] of criminal activity, and with a  
7     continuity of existence[, structure] and criminal purpose beyond the  
8     scope of individual criminal incidents.  
9     (b) are neither isolated incidents, nor so closely related and  
10    connected in point of time or circumstance of commission as to consti-  
11    tute a SINGLE criminal offense [or criminal transaction,] as [those  
12    terms are] defined in section 40.10 of the criminal procedure law; and  
13    S 2. This act shall take effect on the first of November next succeed-  
14    ing the date on which 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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