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

5536--A

2009-2010 Regular Sessions

I N S E N A T E

May 14, 2009

Introduced by Sen. FOLEY -- read twice and ordered printed, and when printed to be committed to the Committee on Codes -- recommitted to the Committee on Codes in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the penal law, in relation to larceny of an automated teller machine

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

Section 1. Section 155.35 of the penal law, as amended by chapter 515 of the laws of 1986, is amended to read as follows:

S 155.35 Grand larceny in the third degree.

A person is guilty of grand larceny in the third degree when he OR SHE steals property and:

1. when the value of the property exceeds three thousand dollars, OR

2. THE PROPERTY IS AN AUTOMATED TELLER MACHINE OR THE CONTENTS OF AN AUTOMATED TELLER MACHINE.

Grand larceny in the third degree is a class D felony.

S 2. The penal law is amended by adding a new section 155.43 to read as follows:

S 155.43 AGGRAVATED GRAND LARCENY OF AN AUTOMATED TELLER MACHINE.

A PERSON IS GUILTY OF AGGRAVATED GRAND LARCENY OF AN AUTOMATED TELLER MACHINE WHEN HE OR SHE COMMITS THE CRIME OF GRAND LARCENY IN THE THIRD DEGREE, AS DEFINED IN SUBDIVISION TWO OF SECTION 155.35 OF THIS ARTICLE AND HAS BEEN PREVIOUSLY CONVICTED OF GRAND LARCENY IN THE THIRD DEGREE WITHIN THE PREVIOUS FIVE YEARS.

AGGRAVATED GRAND LARCENY OF AN AUTOMATED TELLER MACHINE IS A CLASS C FELONY.

S 3. This act shall take effect on the first of November next succeeding 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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