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

996

2009-2010 Regular Sessions

I N S E N A T E

January 22, 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 destruction

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

Section 1. The penal law is amended by adding two new sections 145.28 and 145.29 to read as follows:

S 145.28 CRIMINAL DESTRUCTION IN THE SECOND DEGREE.

A PERSON IS GUILTY OF CRIMINAL DESTRUCTION IN THE SECOND DEGREE WHEN HE OR SHE WILLFULLY AND KNOWINGLY DAMAGES OR DESTROYS ANY FARM PRODUCT, AS DEFINED IN SECTION SEVENTY-ONE-Y OF THE AGRICULTURE AND MARKETS LAW, THAT IS GROWN FOR PERSONAL OR COMMERCIAL PURPOSES, OR FOR TESTING OR RESEARCH PURPOSES IN THE CONTEXT OF A PRODUCT DEVELOPMENT PROGRAM IN CONJUNCTION OR COORDINATION WITH A PRIVATE RESEARCH FACILITY OR A UNIVERSITY OR ANY FEDERAL, STATE, OR LOCAL GOVERNMENT AGENCY.

CRIMINAL DESTRUCTION IN THE SECOND DEGREE IS A CLASS E FELONY.

S 145.29 CRIMINAL DESTRUCTION IN THE FIRST DEGREE.

A PERSON IS GUILTY OF CRIMINAL DESTRUCTION IN THE FIRST DEGREE WHEN HE OR SHE WILLFULLY AND KNOWINGLY DAMAGES OR DESTROYS ANY FARM PRODUCT, AS DEFINED IN SECTION SEVENTY-ONE-Y OF THE AGRICULTURE AND MARKETS LAW, THAT IS GROWN FOR PERSONAL OR COMMERCIAL PURPOSES, OR FOR TESTING OR RESEARCH PURPOSES IN THE CONTEXT OF A PRODUCT DEVELOPMENT PROGRAM IN CONJUNCTION OR COORDINATION WITH A PRIVATE RESEARCH FACILITY OR A UNIVERSITY OR ANY FEDERAL, STATE, OR LOCAL GOVERNMENT AGENCY AND THE VALUE OF SUCH FARM PRODUCT IS GREATER THAN TEN THOUSAND DOLLARS. SUCH VALUE SHALL BE BASED ON THE MARKET VALUE OF THE FARM PRODUCT PRIOR TO THE DAMAGE OR DESTRUCTION, AND PRODUCTION, RESEARCH, TESTING, REPLACEMENT, AND CROP DEVELOPMENT COSTS DIRECTLY RELATED TO THE FARM PRODUCT THAT HAS BEEN DAMAGED OR DESTROYED AS PART OF THE VALUE OF THE FARM PRODUCT.

CRIMINAL DESTRUCTION IN THE FIRST DEGREE IS A CLASS D 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.

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

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