

1879

2011-2012 Regular Sessions

I N A S S E M B L Y

January 12, 2011

Introduced by M. of A. McENENY -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to the crimes of criminal possession of stolen property in the third degree and grand larceny in the third degree

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

1 Section 1. Section 165.50 of the penal law, as amended by chapter 515
2 of the laws of 1986, is amended to read as follows:
3 S 165.50 Criminal possession of stolen property in the third degree.
4 1. A person is guilty of criminal possession of stolen property in the
5 third degree when he knowingly possesses stolen property, with intent to
6 benefit himself or a person other than an owner thereof or to impede the
7 recovery by an owner thereof, and when the:
8 (A) value of the property exceeds three thousand dollars; OR
9 (B) PROPERTY CONSISTS OF AN ITEM OR ITEMS TAKEN FROM A MUSEUM, HISTOR-
10 ICAL SOCIETY, HISTORICAL SITE OR CEMETERY OF A VALUE EXCEEDING ONE
11 HUNDRED DOLLARS, EXCLUDING NONHISTORICAL PROPERTY.
12 2. FOR THE PURPOSES OF THIS SECTION:
13 (A) "ITEM TAKEN FROM A CEMETERY" SHALL INCLUDE THE TAKING OF A HEAD-
14 STONE, MONUMENT OR HISTORICALLY SIGNIFICANT PLAQUE;
15 (B) "NONHISTORICAL PROPERTY" SHALL INCLUDE ITEMS FROM A MUSEUM BOOK-
16 SHOP, ITEMS FROM A MUSEUM WHICH DO NOT PERTAIN TO OR ARE NOT PART OF A
17 COLLECTION AND COMMON GRAVE SITE ITEMS SUCH AS FLOWERS OR FLAGS.
18 Criminal possession of stolen property in the third degree is a class
19 D felony.
20 S 2. Section 155.35 of the penal law, as amended by chapter 464 of the
21 laws of 2010, is amended to read as follows:
22 S 155.35 Grand larceny in the third degree.
23 1. A person is guilty of grand larceny in the third degree when he or
24 she steals property and WHEN THE:

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

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1 [1. when the](A) value of the property exceeds three thousand
2 dollars, or
3 [2. the] (B) property is an automated teller machine or the contents
4 of an automated teller machine[.], OR
5 (C) PROPERTY CONSISTS OF AN ITEM OR ITEMS TAKEN FROM A MUSEUM, HISTOR-
6 ICAL SOCIETY, HISTORICAL SITE OR CEMETERY OF A VALUE EXCEEDING ONE
7 HUNDRED DOLLARS, EXCLUDING NONHISTORICAL PROPERTY.
8 2. FOR THE PURPOSES OF THIS SECTION:
9 (A) "ITEM TAKEN FROM A CEMETERY" SHALL INCLUDE THE TAKING OF A HEAD-
10 STONE, MONUMENT OR HISTORICALLY SIGNIFICANT PLAQUE;
11 (B) "NONHISTORICAL PROPERTY" SHALL INCLUDE ITEMS FROM A MUSEUM BOOK-
12 SHOP, ITEMS FROM A MUSEUM WHICH DO NOT PERTAIN TO OR ARE NOT PART OF A
13 COLLECTION AND COMMON GRAVE SITE ITEMS SUCH AS FLOWERS OR FLAGS.
14 Grand larceny in the third degree is a class D felony.
15 S 3. This act shall take effect on the first of November next succeed-
16 ing the date on which it shall have become a law.