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

3490

2011-2012 Regular Sessions

I N A S S E M B L Y

January 25, 2011

Introduced by M. of A. ZEBROWSKI, LANCMAN, MAYERSOHN, SPANO -- Multi-Sponsored by -- M. of A. ABBATE, COLTON, GABRYSZAK, HOOPER, MILLMAN, SCHIMEL, THIELE -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to establishing the crime of repeat minor offender

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 a new section 270.40 to read as follows:

S 270.40 REPEAT MINOR OFFENDER.

1. A PERSON IS GUILTY OF BEING A REPEAT MINOR OFFENDER WHEN HE OR SHE COMMITS A CRIME AS DEFINED IN THIS CHAPTER AND HE OR SHE HAS BEEN PREVIOUSLY CONVICTED OF EITHER:

(A) THREE SEPARATE CLASS A MISDEMEANORS, OR

(B) FIVE SEPARATE CLASS B MISDEMEANORS, WITHIN THE PAST EIGHTY-FOUR MONTHS.

2. FOR THE PURPOSES OF DETERMINING WHETHER A PERSON HAS COMMITTED THIS CRIME, NO TWO MISDEMEANORS MAY ORIGINATE FROM THE SAME CRIMINAL INCIDENT.

REPEAT MINOR OFFENDER IS A CLASS E 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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