

4610

2011-2012 Regular Sessions

I N   S E N A T E

April 13, 2011

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Introduced by Sens. FUSCHILLO, GOLDEN, JOHNSON, LARKIN, STAVISKY, ZELDIN  
-- 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 the theft of services

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

1     Section 1. Subdivision 3 and the closing paragraph of section 165.15  
2     of the penal law, the closing paragraph as amended by chapter 491 of the  
3     laws of 1992, are amended to read as follows:  
4     3. With intent to obtain railroad, subway, bus, air, taxi or any other  
5     public transportation service, INCLUDING USE OF TOLL ROADS, without  
6     payment of the lawful charge therefor, or to avoid payment of the lawful  
7     charge for such transportation service which has been rendered to him OR  
8     HER, he OR SHE obtains or attempts to obtain such service or avoids or  
9     attempts to avoid payment therefor by force, intimidation, stealth,  
10    deception or mechanical tampering, or by unjustifiable failure or  
11    refusal to pay; or  
12    Theft of services is a class A misdemeanor, provided, however, that  
13    theft of cable television service as defined by the provisions of paragraphs (a), (c) and (d) of subdivision four of this section, and having  
14    a value not in excess of one hundred dollars by a person who has not  
15    been previously convicted of theft of services under subdivision four of  
16    this section is a violation, that theft of services under subdivision  
17    nine of this section by a person who has not been previously convicted  
18    of theft of services under subdivision nine of this section is a  
19    violation and provided further, however, that theft of [services of] any  
20    [telephone] service [under paragraph (a) or (b) of subdivision five of  
21    this section] having a value in excess of one thousand dollars or by a  
22    person who has been previously convicted within five years of theft of  
23    services under paragraph (a) of subdivision five of this section is a  
24    class E felony.  
25    S 2. This act shall take effect on the first of November next succeeding  
26    the date on which it shall have become a law.  
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EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

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