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

7274

I N S E N A T E

May 2, 2012

Introduced by Sen. AVELLA -- 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 establishing the crime of illegal conversion or alteration of real property

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 145.75 to read as follows:

S 145.75 ILLEGAL CONVERSION OR ALTERATION OF REAL PROPERTY.

A PERSON IS GUILTY OF ILLEGAL CONVERSION OR ALTERATION OF REAL PROPERTY WHEN:

1. HE OR SHE KNOWINGLY PARTICIPATED IN, OR IF HE OR SHE IS THE OWNER, MANAGER OR TENANT OF SUCH PROPERTY, OBSERVED OR WAS OTHERWISE AWARE OF THE ALTERATION OR CONVERSION OF SUCH PROPERTY IN VIOLATION OF ANY STATE OR LOCAL LAW, ORDINANCE, CODE OR RULE OR REGULATION RELATING TO REAL PROPERTY, BUILDINGS OR MULTIPLE DWELLINGS; AND

2. THE ALTERATION OR CONVERSION CAUSES A SERIOUS PHYSICAL INJURY OR FATALITY TO ONE OR MORE PERSONS.

ILLEGAL CONVERSION OR ALTERATION OF REAL PROPERTY IS A CLASS C FELONY; PROVIDED, HOWEVER, THAT ILLEGAL CONVERSION OR ALTERATION OF REAL PROPERTY THAT RESULTS IN FATALITY TO ONE OR MORE PERSONS IS A CLASS B 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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