

10507

I N   A S S E M B L Y

May 29, 2012

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

AN ACT to amend the general business law and the penal law, in relation  
to establishing jurisdiction and venue for a pattern of criminal  
offenses

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

1     Section 1. The general business law is amended by adding a new section  
2     393-e to read as follows:  
3     S 393-E. JURISDICTION AND VENUE FOR A PATTERN OF CRIMINAL OFFENSE. 1.  
4     A PERSON MAY BE PROSECUTED FOR CRIMINAL ACTIONS WITH RESPECT TO EACH OF  
5     THE ALLEGED CRIMINAL OFFENSES INCLUDED WITHIN A PATTERN OF CRIMINAL  
6     OFFENSES THAT ARE PART OF THE SAME PLAN, SCHEME, OR ADVENTURE OF ORGAN-  
7     IZED RETAIL CRIME, IN ANY COUNTY WHERE AT LEAST ONE ALLEGED CRIMINAL  
8     OFFENSE HAS OCCURRED AND SUCH OFFENSE IS PART OF THE ALLEGED PATTERN OF  
9     CRIMINAL ACTIVITY. ONE DISTRICT COURT OR COUNTY COURT MAY POSSESS JURIS-  
10    DICTION OVER ALL CRIMINAL OFFENSES, PERSONS AND PROPERTY THAT ARE PART  
11    OF, OR ARE DIRECTLY RELATED TO, EACH OR ALL OF THE ALLEGED CRIMINAL  
12    OFFENSES FORMING THE ALLEGED PATTERN OF CRIMINAL OFFENSES OF ORGANIZED  
13    RETAIL CRIME.  
14    2. THIS SECTION SHALL BE ENFORCED IN ANY COUNTY WHERE AT LEAST ONE  
15    ALLEGED CRIMINAL OFFENSE HAS OCCURRED AND SUCH OFFENSE IS PART OF THE  
16    ALLEGED PATTERN OF CRIMINAL ACTIVITY.  
17    S 2. The penal law is amended by adding a new section 70.16 to read as  
18    follows:  
19    S 70.16 JURISDICTION AND VENUE FOR A PATTERN OF CRIMINAL OFFENSE.  
20    1. A PERSON MAY BE PROSECUTED FOR CRIMINAL ACTIONS WITH RESPECT TO  
21    EACH OF THE ALLEGED CRIMINAL OFFENSES INCLUDED WITHIN A PATTERN OF CRIM-  
22    INAL OFFENSES THAT ARE PART OF THE SAME PLAN, SCHEME, OR ADVENTURE, IN  
23    ANY COUNTY WHERE AT LEAST ONE ALLEGED CRIMINAL OFFENSE HAS OCCURRED AND  
24    SUCH OFFENSE IS PART OF THE ALLEGED PATTERN OF CRIMINAL ACTIVITY. ONE  
25    DISTRICT COURT OR COUNTY COURT MAY POSSESS JURISDICTION OVER ALL CRIMI-  
26    NAL OFFENSES, PERSONS AND PROPERTY THAT ARE PART OF, OR ARE DIRECTLY

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

LBD15083-05-2

1 RELATED TO, EACH OR ALL OF THE ALLEGED CRIMINAL OFFENSES FORMING THE  
2 ALLEGED PATTERN OF CRIMINAL OFFENSES.

3 2. THIS SECTION SHALL BE ENFORCED IN ANY COUNTY WHERE AT LEAST ONE  
4 ALLEGED CRIMINAL OFFENSE HAS OCCURRED AND SUCH OFFENSE IS PART OF THE  
5 ALLEGED PATTERN OF CRIMINAL ACTIVITY.

6 S 3. This act shall take effect on the first of November next succeed-  
7 ing the date on which it shall have become a law.