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

10767

I N A S S E M B L Y

June 18, 2012

Introduced by COMMITTEE ON RULES -- (at request of M. of A. N. Rivera) -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to the theft of controlled substances

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

Section 1. Section 155.00 of the penal law is amended by adding a new subdivision 10 to read as follows:

10. "CONTROLLED SUBSTANCE" MEANS ANY SUBSTANCE LISTED IN SCHEDULE I, II, III, IV OR V OF SECTION THIRTY-THREE HUNDRED SIX OF THE PUBLIC HEALTH LAW, OTHER THAN MARIHUANA AND CONCENTRATED CANNABIS.

S 2. Paragraph (b) of subdivision 9, and subdivisions 10 and 11 of section 155.30 of the penal law, paragraph (b) of subdivision 9 as amended by chapter 479 of the laws of 2010, subdivision 10 as added by chapter 491 of the laws of 1992 and subdivision 11 as added by chapter 394 of the laws of 2005, are amended and a new subdivision 12 is added to read as follows:

(b) is kept for or used in connection with religious worship in any building, structure or upon the curtilage of such building or structure used as a place of religious worship by a religious corporation, as incorporated under the religious corporations law or the education law[.]; OR

10. The property consists of an access device which the person intends to use unlawfully to obtain telephone service[.]; OR

11. The property consists of anhydrous ammonia or liquified ammonia gas and the actor intends to use, or knows another person intends to use, such anhydrous ammonia or liquified ammonia gas to manufacture methamphetamine[.]; OR

12. THE PROPERTY CONSISTS OF ONE OR MORE CONTROLLED SUBSTANCES.

S 3. Section 155.35 of the penal law, as amended by chapter 464 of the laws of 2010, is amended to read as follows:

S 155.35 Grand larceny in the third degree.

A person is guilty of grand larceny in the third degree when he or she steals property and:

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

LBD14671-01-2

1. when the value of the property exceeds three thousand dollars[,];
2 or
2. the property is an automated teller machine or the contents of an
4 automated teller machine[.]; OR
3. WHEN THE PROPERTY CONSISTS OF ONE OR MORE CONTROLLED SUBSTANCES AND
6 THE RETAIL VALUE THEREOF EXCEEDS ONE THOUSAND DOLLARS.
Grand larceny in the third degree is a class D felony.
S 4. Paragraph (c) of subdivision 2 of section 155.40 of the penal
9 law, as amended by chapter 515 of the laws of 1986, is amended and a new
10 subdivision 3 is added to read as follows:
11 (c) use or abuse his OR HER position as a public servant by engaging
12 in conduct within or related to his OR HER official duties, or by fail-
13 ing or refusing to perform an official duty, in such manner as to affect
14 some person adversely[.]; OR
15 3. THE PROPERTY CONSISTS OF ONE OR MORE CONTROLLED SUBSTANCES AND THE
16 RETAIL VALUE THEREOF EXCEEDS THREE THOUSAND DOLLARS.
17 S 5. Section 155.42 of the penal law, as added by chapter 515 of the
18 laws of 1986, is amended to read as follows:
19 S 155.42 Grand larceny in the first degree.
20 A person is guilty of grand larceny in the first degree when he OR SHE
21 steals property and when [the]:
22 1. THE value of the property exceeds one million dollars; OR
23 2. THE PROPERTY CONSISTS OF ONE OR MORE CONTROLLED SUBSTANCES AND THE
24 RETAIL VALUE THEREOF EXCEEDS FIFTY THOUSAND DOLLARS.
25 Grand larceny in the first degree is a class B felony.
26 S 6. This act shall take effect on the first of November next succeed-
27 ing the date on which it shall have become a law.