                            8858

                    I N   A S S E M B L Y

                        (PREFILED)

                    January 4, 2012
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    Introduced by M. of A. THIELE -- read once and referred to the Committee
      on Codes

    AN ACT to amend the penal law, in relation to defining the destruction
      of letter boxes or mail as criminal mischief in the third degree

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

 1   Section 1. Section 145.05 of the penal law, as amended by chapter 276
 2 of the laws of 2003, is amended to read as follows:
 3 S 145.05 Criminal mischief in the third degree.
 4   A person is guilty of criminal mischief in the third degree when, with
 5 intent to damage property of another person, and having no right to do
 6 so nor any reasonable ground to believe that he or she has such right,
 7 he or she:
 8   1. damages the motor vehicle of another person, by breaking into such
 9 vehicle when it is locked with the intent of stealing property, and
10 within the previous ten year period, has been convicted three or more
11 times, in separate criminal transactions for which sentence was imposed
12 on separate occasions, of criminal mischief in the fourth degree as
13 defined in section 145.00, criminal mischief in the third degree as
14 defined in this section, criminal mischief in the second degree as
15 defined in section 145.10, or criminal mischief in the first degree as
16 defined in section 145.12 of this article; or
17   2. damages property of another person in an amount exceeding two
18 hundred fifty dollars[.]; OR
19   3. INJURES, TEARS DOWN OR DESTROYS ANY LETTER BOX OR OTHER RECEPTACLE
20 INTENDED OR USED FOR THE RECEIPT OR DELIVERY OF MAIL ON ANY MAIL ROUTE,
21 OR BREAKS OPEN THE SAME OR INJURES OR DEFACES OR DESTROYS ANY MAIL THER-
22 EIN.
23   Criminal mischief in the third degree is a class E felony.
24   S 2. This act shall take effect on the first of November next succeed-
25 ing the date on which it shall have become a law.