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

1038

2011-2012 Regular Sessions

I N  S E N A T E

(PREFILED)

January 5, 2011

Introduced by Sens. KLEIN, PARKER, SAMPSON, SMITH -- 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 crime of criminal mischief in the third degree

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

Section 1. Section 145.05 of the penal law, as amended by chapter 276 of the laws of 2003, is amended to read as follows:

S 145.05 Criminal mischief in the third degree.

A person is guilty of criminal mischief in the third degree when, with intent to damage property of another person, and having no right to do so nor any reasonable ground to believe that he or she has such right, he or she:

1. damages the motor vehicle of another person, by breaking into such vehicle when it is locked with the intent of stealing property, and within the previous ten year period, has been convicted three or more times, in separate criminal transactions for which sentence was imposed on separate occasions, of criminal mischief in the fourth degree as defined in section 145.00, criminal mischief in the third degree as defined in this section, criminal mischief in the second degree as defined in section 145.10, or criminal mischief in the first degree as defined in section 145.12 of this article; or

2. damages property of another person in an amount exceeding two hundred fifty dollars[.]; OR

3. DAMAGES PROPERTY OF ANOTHER PERSON CONSISTING OF ANY PART OF A LOCK, ALARM OR SECURITY DEVICE, ANTI-THEFT AND RECOVERY DEVICE CONSISTING OF AN ELECTRONIC HOMING DEVICE, STEERING MECHANISM, DASHBOARD, RADIO, AIRBAG, OR IGNITION SYSTEM OF A MOTOR VEHICLE, AS DEFINED IN SECTION ONE HUNDRED TWENTY-FIVE OF THE VEHICLE AND TRAFFIC LAW.

Criminal mischief in the third degree is a class E felony.

S 2. This act shall take effect on the first of January 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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