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

2625

2011-2012 Regular Sessions

I N S E N A T E

January 27, 2011

Introduced by Sen. KRUGER -- 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 grand larceny and unauthorized use of a vehicle and repealing subdivision 1 of section 165.05 of such law relating thereto

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

Section 1. 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:

1. steals property and:

[1.] (A) when the value of the property exceeds three thousand dollars, or

[2.] (B) the property is an automated teller machine or the contents of an automated teller machine; OR

2. COMMITS THE CRIME OF GRAND LARCENY IN THE FOURTH DEGREE AS DEFINED IN SUBDIVISION EIGHT OF SECTION 155.30 OF THIS ARTICLE AND HAS BEEN PREVIOUSLY CONVICTED OF THE CRIME OF GRAND LARCENY IN THE FOURTH DEGREE AS DEFINED IN SUCH SUBDIVISION.

Grand larceny in the third degree is a class D felony.

S 2. Subdivision 1 of section 165.05 of the penal law is REPEALED.

S 3. Section 165.06 of the penal law, as amended by chapter 413 of the laws of 1982, is amended to read as follows:

S 165.06 Unauthorized use of a vehicle in the second degree.

A person is guilty of unauthorized use of a vehicle in the second degree when:

He commits the crime of unauthorized use of a vehicle in the third degree as defined in subdivision [one] TWO of section 165.05 of this article and has been previously convicted of THIS SECTION OR the crime

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

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of unauthorized use of a vehicle in the third degree as defined in subdivision [one] TWO of section 165.05 [or second degree]OF THIS ARTICLE within the preceding ten years.

Unauthorized use of a vehicle in the second degree is a class E felony.

S 4. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.