

4610

2011-2012 Regular Sessions

I N S E N A T E

April 13, 2011

Introduced by Sens. FUSCHILLO, GOLDEN, JOHNSON, LARKIN, STAVISKY, ZELDIN
-- 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 theft of services

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

1 Section 1. Subdivision 3 and the closing paragraph of section 165.15
2 of the penal law, the closing paragraph as amended by chapter 491 of the
3 laws of 1992, are amended to read as follows:
4 3. With intent to obtain railroad, subway, bus, air, taxi or any other
5 public transportation service, INCLUDING USE OF TOLL ROADS, without
6 payment of the lawful charge therefor, or to avoid payment of the lawful
7 charge for such transportation service which has been rendered to him OR
8 HER, he OR SHE obtains or attempts to obtain such service or avoids or
9 attempts to avoid payment therefor by force, intimidation, stealth,
10 deception or mechanical tampering, or by unjustifiable failure or
11 refusal to pay; or
12 Theft of services is a class A misdemeanor, provided, however, that
13 theft of cable television service as defined by the provisions of para-
14 graphs (a), (c) and (d) of subdivision four of this section, and having
15 a value not in excess of one hundred dollars by a person who has not
16 been previously convicted of theft of services under subdivision four of
17 this section is a violation, that theft of services under subdivision
18 nine of this section by a person who has not been previously convicted
19 of theft of services under subdivision nine of this section is a
20 violation and provided further, however, that theft of [services of] any
21 [telephone] service [under paragraph (a) or (b) of subdivision five of
22 this section] having a value in excess of one thousand dollars or by a
23 person who has been previously convicted within five years of theft of
24 services under paragraph (a) of subdivision five of this section is a
25 class E felony.
26 S 2. This act shall take effect on the first of November next succeed-
27 ing 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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