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

6338

I N S E N A T E

January 30, 2012

Introduced by Sen. KLEIN -- 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 criminal mischief and larceny offenses committed at a place of religious worship

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

Section 1. Subdivision 2 of section 145.05 of the penal law, as amended by chapter 276 of the laws of 2003, is amended and a new subdivision 3 is added to read as follows:

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

3. DAMAGES PROPERTY WHICH, REGARDLESS OF ITS NATURE OR VALUE, IS 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.

S 2. Section 145.10 of the penal law, as amended by chapter 961 of the laws of 1971, is amended to read as follows:

S 145.10 Criminal mischief in the second degree.

A person is guilty of criminal mischief in the second 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 property of another person in an amount exceeding one thousand five hundred dollars[.]; OR

2. DAMAGES PROPERTY WHICH CONSISTS OF A SCROLL, A RELIGIOUS VESTMENT, A VESSEL, AN ITEM COMPRISING A DISPLAY OF RELIGIOUS SYMBOLS WHICH FORMS A REPRESENTATIVE EXPRESSION OF FAITH OR ANY OTHER ITEM KEPT 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.

Criminal mischief in the second degree is a class D felony.

S 3. Subdivision 9 of section 155.30 of the penal law, as amended by chapter 479 of the laws of 2010, is amended to read as follows:

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

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9. The property [consists of a scroll, religious vestment, a vessel, an item comprising a display of religious symbols which forms a representative expression of faith, or other miscellaneous item of property which:

(a) has a value of at least one hundred dollars; and

(b) is kept for or used in connection with religious worship in], REGARDLESS OF ITS NATURE OR VALUE, IS TAKEN FROM 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.

S 4. 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:

1. when the value of the property exceeds three thousand dollars[,]; or

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

3. THE PROPERTY CONSISTS OF A SCROLL, A RELIGIOUS VESTMENT, A VESSEL, AN ITEM COMPRISING A DISPLAY OF RELIGIOUS SYMBOLS WHICH FORM A REPRESENTATIVE EXPRESSION OF FAITH OR ANY OTHER ITEM KEPT 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.

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

S 5. Subdivision 2 of section 155.40 of the penal law, as amended by chapter 515 of the laws of 1986, is amended and a new subdivision 3 is added to read as follows:

2. The property, regardless of its nature and value, is obtained by extortion committed by instilling in the victim a fear that the actor or another person will (a) cause physical injury to some person in the future, or (b) cause damage to property, or (c) use or abuse his position as a public servant by engaging in conduct within or related to his official duties, or by failing or refusing to perform an official duty, in such manner as to affect some person adversely[.]; OR

3. THE PROPERTY CONSISTS OF A SCROLL, A RELIGIOUS VESTMENT, A VESSEL, AN ITEM COMPRISING A DISPLAY OF RELIGIOUS SYMBOLS WHICH FORMS A REPRESENTATIVE EXPRESSION OF FAITH, OR OTHER ITEM OF PROPERTY WHICH:

(A) HAS A VALUE OF AT LEAST TWO HUNDRED FIFTY DOLLARS; AND

(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.

S 6. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.