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

6958--C

Cal. No. 928

I N S E N A T E

April 16, 2012

Introduced by Sens. ZELDIN, VALESKY -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the penal law, in relation to establishing jurisdiction and venue for a pattern of criminal offenses

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

Section 1. The penal law is amended by adding a new section 70.16 to read as follows:

S 70.16 JURISDICTION AND VENUE FOR A PATTERN OF ORGANIZED RETAIL CRIME OFFENSES.

1. A PERSON MAY BE PROSECUTED FOR CRIMINAL ACTIONS WITH RESPECT TO EACH OF THE ALLEGED CRIMINAL OFFENSES INCLUDED WITHIN A PATTERN OF CRIMINAL OFFENSES THAT ARE PART OF THE SAME PLAN, SCHEME, OR ADVENTURE OF ORGANIZED RETAIL CRIME, IN ANY COUNTY WHERE AT LEAST ONE ALLEGED CRIMINAL OFFENSE HAS OCCURRED AND SUCH OFFENSE IS PART OF THE ALLEGED PATTERN OF CRIMINAL ACTIVITY. ONE DISTRICT COURT OR COUNTY COURT MAY POSSESS JURISDICTION OVER ALL CRIMINAL OFFENSES, PERSONS AND PROPERTY THAT ARE PART OF, OR ARE DIRECTLY RELATED TO, EACH OR ALL OF THE ALLEGED CRIMINAL OFFENSES FORMING THE ALLEGED PATTERN OF CRIMINAL OFFENSES.

2. THIS SECTION SHALL BE ENFORCED IN ANY COUNTY WHERE AT LEAST ONE ALLEGED CRIMINAL OFFENSE HAS OCCURRED AND SUCH OFFENSE IS PART OF THE ALLEGED PATTERN OF CRIMINAL ACTIVITY.

3. FOR PURPOSES OF THIS SECTION, ORGANIZED RETAIL CRIME SHALL MEAN THE STEALING, EMBEZZLEMENT, OR OBTAINING BY FRAUD, FALSE PRETENSES, OR OTHER ILLEGAL MEANS, RETAIL MERCHANDISE IN QUANTITIES THAT WOULD NOT NORMALLY BE PURCHASED FOR PERSONAL USE OR CONSUMPTION, FOR THE PURPOSES OF RESELLING, TRADING, OR OTHERWISE REENTERING SUCH RETAIL MERCHANDISE IN COMMERCE.

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