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

4005

2013-2014 Regular Sessions

I N A S S E M B L Y

January 30, 2013

Introduced by M. of A. GABRYSZAK, SCHIMMINGER, ROBERTS, RAIA, McDONOUGH, MONTESANO, LAVINE, WALTER, WEPRIN -- Multi-Sponsored by -- M. of A. CERETTO, CLARK, GOODELL, McLAUGHLIN, SALADINO, THIELE -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to establishing the crimes of aggravated larceny in the first degree and aggravated larceny in the second degree

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 155.50 to read as follows:

S 155.50 AGGRAVATED LARCENY IN THE SECOND DEGREE.

A PERSON IS GUILTY OF AGGRAVATED LARCENY IN THE SECOND DEGREE WHEN HE OR SHE STEALS PROPERTY AND WHEN:

1. SUCH PERSON HAS PREVIOUSLY BEEN CONVICTED OF THE OFFENSE OF PETIT LARCENY, AS DEFINED IN SECTION 155.25 OF THIS ARTICLE, AT LEAST THREE TIMES WITHIN THE PRECEDING TEN YEARS; OR

2. SUCH PERSON HAS PREVIOUSLY BEEN CONVICTED OF THE OFFENSE OF GRAND LARCENY IN THE FOURTH DEGREE, GRAND LARCENY IN THE THIRD DEGREE, GRAND LARCENY IN THE SECOND DEGREE OR GRAND LARCENY IN THE FIRST DEGREE, AS DEFINED IN SECTIONS 155.30, 155.35, 155.40 AND 155.42 OF THIS ARTICLE, AT LEAST THREE TIMES WITHIN THE PRECEDING TEN YEARS.

AGGRAVATED LARCENY IN THE SECOND DEGREE IS A CLASS E FELONY.

S 2. The penal law is amended by adding a new section 155.55 to read as follows:

S 155.55 AGGRAVATED LARCENY IN THE FIRST DEGREE.

A PERSON IS GUILTY OF AGGRAVATED LARCENY IN THE FIRST DEGREE WHEN HE OR SHE STEALS PROPERTY AND WHEN:

1. SUCH PERSON HAS PREVIOUSLY BEEN CONVICTED OF THE OFFENSE OF AGGRAVATED LARCENY IN THE SECOND DEGREE, AS DEFINED IN SECTION 155.50 OF THIS ARTICLE, WITHIN THE PRECEDING THREE YEARS; OR

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

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2. SUCH PERSON HAS PREVIOUSLY BEEN CONVICTED OF THE OFFENSE OF PETIT LARCENY, AS DEFINED IN SECTION 155.25 OF THIS ARTICLE, WITHIN THE PRECEDING FIVE YEARS; OR

3. SUCH PERSON HAS PREVIOUSLY BEEN CONVICTED OF THE OFFENSE OF GRAND LARCENY IN THE FOURTH DEGREE, GRAND LARCENY IN THE THIRD DEGREE, GRAND LARCENY IN THE SECOND DEGREE OR GRAND LARCENY IN THE FIRST DEGREE, AS DEFINED IN SECTIONS 155.30, 155.35, 155.40 AND 155.42 OF THIS ARTICLE, AT LEAST THREE TIMES WITHIN THE PRECEDING FIVE YEARS.

AGGRAVATED LARCENY IN THE FIRST DEGREE IS A CLASS D FELONY.

S 3. This act shall take effect on the ninetieth day after it shall have become a law.