S T A T E   O F   N E W   Y O R K
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                                 6184

                       2013-2014 Regular Sessions

                            I N   A S S E M B L Y

                             March 15, 2013
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Introduced by M. of A. CUSICK -- read once and referred to the Committee
  on Codes

AN ACT to amend the penal law, in relation to arson in the first degree

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

 1   Section 1. Section 150.20 of the penal law, as amended by chapter 950
 2 of the laws of 1984, is amended to read as follows:
 3 S 150.20 Arson in the first degree.
 4   1. A person is guilty of arson in the first degree when he inten-
 5 tionally damages a building or motor vehicle by causing an explosion or
 6 a fire and when (a) such explosion or fire is caused by OR ACCELERATED
 7 BY USE OF IGNITABLE LIQUID OR FLAMMABLE GAS OR an incendiary device
 8 propelled, thrown [or], placed OR OTHERWISE DISPERSED OR DISTRIBUTED
 9 inside or near such building or motor vehicle; or when such explosion or
10 fire is caused by an explosive; or when such explosion or fire either
11 (i) causes serious physical injury to another person other than a
12 participant, or (ii) the explosion or fire was caused with the expecta-
13 tion or receipt of financial advantage or pecuniary profit by the actor;
14 and when (b) another person who is not a participant in the crime is
15 present in such building or motor vehicle at the time; and (c) the
16 defendant knows that fact or the circumstances are such as to render the
17 presence of such person therein a reasonable possibility.
18   2. As used in this section, "incendiary device" means a [breakable
19 container] DEVICE designed to [explode   or]   produce   uncontained
20 combustion [upon impact, containing flammable liquid and having a wick
21 or a similar device capable of being ignited] OR USED AS A SOURCE OF
22 IGNITION.
23   Arson in the first degree is a class A-I felony.
24   S 2. This act shall take effect on the thirtieth day after it shall
25 have become a law.

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