

2431

2013-2014 Regular Sessions

I N S E N A T E

January 17, 2013

Introduced by Sens. KLEIN, GALLIVAN, HANNON, MAZIARZ -- 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 controlled substances

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

- 1 Section 1. Section 155.00 of the penal law is amended by adding a new
2 subdivision 10 to read as follows:
3 10. "CONTROLLED SUBSTANCE" MEANS ANY SUBSTANCE LISTED IN SCHEDULE I,
4 II, III, IV OR V OF SECTION THIRTY-THREE HUNDRED SIX OF THE PUBLIC
5 HEALTH LAW, OTHER THAN MARIHUANA AND CONCENTRATED CANNABIS.
6 S 2. Paragraph (b) of subdivision 9, and subdivisions 10 and 11 of
7 section 155.30 of the penal law, paragraph (b) of subdivision 9 as
8 amended by chapter 479 of the laws of 2010, subdivision 10 as added by
9 chapter 491 of the laws of 1992 and subdivision 11 as added by chapter
10 394 of the laws of 2005, are amended and a new subdivision 12 is added
11 to read as follows:
12 (b) is kept for or used in connection with religious worship in any
13 building, structure or upon the curtilage of such building or structure
14 used as a place of religious worship by a religious corporation, as
15 incorporated under the religious corporations law or the education
16 law[.]; OR
17 10. The property consists of an access device which the person intends
18 to use unlawfully to obtain telephone service[.]; OR
19 11. The property consists of anhydrous ammonia or liquified ammonia
20 gas and the actor intends to use, or knows another person intends to
21 use, such anhydrous ammonia or liquified ammonia gas to manufacture
22 methamphetamine[.]; OR
23 12. THE PROPERTY CONSISTS OF ONE OR MORE CONTROLLED SUBSTANCES.

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

LBD04658-01-3

1 S 3. Section 155.35 of the penal law, as amended by chapter 464 of the
2 laws of 2010, is amended to read as follows:
3 S 155.35 Grand larceny in the third degree.
4 A person is guilty of grand larceny in the third degree when he or she
5 steals property and:
6 1. when the value of the property exceeds three thousand dollars[,];
7 or
8 2. the property is an automated teller machine or the contents of an
9 automated teller machine[.]; OR
10 3. WHEN THE PROPERTY CONSISTS OF ONE OR MORE CONTROLLED SUBSTANCES AND
11 THE RETAIL VALUE THEREOF EXCEEDS ONE THOUSAND DOLLARS.
12 Grand larceny in the third degree is a class D felony.
13 S 4. Paragraph (c) of subdivision 2 of section 155.40 of the penal
14 law, as amended by chapter 515 of the laws of 1986, is amended and a new
15 subdivision 3 is added to read as follows:
16 (c) use or abuse his OR HER position as a public servant by engaging
17 in conduct within or related to his OR HER official duties, or by fail-
18 ing or refusing to perform an official duty, in such manner as to affect
19 some person adversely[.]; OR
20 3. THE PROPERTY CONSISTS OF ONE OR MORE CONTROLLED SUBSTANCES AND THE
21 RETAIL VALUE THEREOF EXCEEDS THREE THOUSAND DOLLARS.
22 S 5. Section 155.42 of the penal law, as added by chapter 515 of the
23 laws of 1986, is amended to read as follows:
24 S 155.42 Grand larceny in the first degree.
25 A person is guilty of grand larceny in the first degree when he OR SHE
26 steals property and when [the]:
27 1. THE value of the property exceeds one million dollars; OR
28 2. THE PROPERTY CONSISTS OF ONE OR MORE CONTROLLED SUBSTANCES AND THE
29 RETAIL VALUE THEREOF EXCEEDS FIFTY THOUSAND DOLLARS.
30 Grand larceny in the first degree is a class B felony.
31 S 6. This act shall take effect on the first of November next succeed-
32 ing the date on which it shall have become a law.