

4274--B

2013-2014 Regular Sessions

I N A S S E M B L Y

February 1, 2013

Introduced by M. of A. CUSICK -- read once and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the criminal procedure law, in relation to establishing jurisdiction and venue for organized retail theft crimes

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

1 Section 1. Subdivision 4 of section 20.40 of the criminal procedure  
2 law is amended by adding a new paragraph (n) to read as follows:  
3 (N) (I) AN ORGANIZED RETAIL THEFT CRIME, WHERE THE DEFENDANT KNOWS  
4 THAT SUCH CRIME IS A PART OF A COORDINATED PLAN, SCHEME OR VENTURE OF  
5 ORGANIZED RETAIL THEFT CRIMES COMMITTED BY TWO OR MORE PERSONS, MAY BE  
6 PROSECUTED IN ANY COUNTY IN WHICH AT LEAST ONE SUCH ORGANIZED RETAIL  
7 THEFT CRIME WAS COMMITTED; PROVIDED, HOWEVER, THAT THE COUNTY OF PROSE-  
8 CUTION IS CONTIGUOUS TO ANOTHER COUNTY IN WHICH ONE OR MORE OF SUCH  
9 OTHER ORGANIZED RETAIL THEFT CRIMES WAS COMMITTED. FOR PURPOSES OF THIS  
10 PARAGRAPH, THE FIVE COUNTIES THAT COMPRISE NEW YORK CITY SHALL BE DEEMED  
11 CONTIGUOUS WITH EACH OTHER.  
12 (II) FOR PURPOSES OF THIS PARAGRAPH, "ORGANIZED RETAIL THEFT CRIME"  
13 SHALL MEAN AND INCLUDE A CRIME UNDER THIS CHAPTER THAT INVOLVES THE  
14 LARCENY, EMBEZZLEMENT OR OBTAINING BY FRAUD, FALSE PRETENSES OR OTHER  
15 ILLEGAL MEANS OF RETAIL MERCHANDISE IN QUANTITIES THAT WOULD NOT NORMAL-  
16 LY BE PURCHASED FOR PERSONAL USE OR CONSUMPTION, FOR THE PURPOSES OF  
17 RESELLING, TRADING, OR OTHERWISE REENTERING SUCH RETAIL MERCHANDISE IN  
18 COMMERCE.  
19 S 2. This act shall take effect on the first of November next succeed-  
20 ing 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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