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

5708

2013-2014 Regular Sessions

I N A S S E M B L Y

March 6, 2013

Introduced by M. of A. BOYLAND -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to establishing the crime of home invasion

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 140.45 to read as follows:

S 140.45 HOME INVASION.

A PERSON IS GUILTY OF HOME INVASION WHEN THE PERSON KNOWINGLY ENTERS OR REMAINS UNLAWFULLY IN A DWELLING WITH INTENT TO COMMIT A VIOLENT FELONY THEREIN, AND:

1. THE PERSON KNOWS:

(A) THAT ANOTHER PERSON WHO IS NOT ANOTHER PARTICIPANT IN THE CRIME IS PRESENT IN THE DWELLING AT THE TIME; OR

(B) OF CIRCUMSTANCES WHICH RENDER THE PRESENCE OF ANOTHER PERSON WHO IS NOT ANOTHER PARTICIPANT IN THE CRIME THEREIN A REASONABLE POSSIBILITY; AND

2. WHEN, IN EFFECTING ENTRY OR WHEN IN THE DWELLING OR IN IMMEDIATE FLIGHT THEREFROM, THE PERSON OR ANOTHER PARTICIPANT IN THE CRIME ENGAGES IN THE COMMISSION OF, OR ATTEMPTS TO COMMIT, ANY OF THE FOLLOWING FELONIES:

(A) ROBBERY IN ANY DEGREE;

(B) ASSAULT IN THE FIRST OR SECOND DEGREE;

(C) MURDER IN ANY DEGREE;

(D) MANSLAUGHTER;

(E) RAPE IN ANY DEGREE;

(F) KIDNAPPING IN ANY DEGREE; AND

3. WHEN, IN EFFECTING ENTRY OR WHEN IN THE DWELLING OR IN IMMEDIATE FLIGHT THEREFROM, THE PERSON OR ANOTHER PARTICIPANT IN THE CRIME:

(A) IS ARMED WITH EXPLOSIVES OR A DEADLY WEAPON; OR

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

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(B) CAUSES PHYSICAL INJURY TO ANY PERSON WHO IS NOT A PARTICIPANT IN THE CRIME.

HOME INVASION IS A CLASS B FELONY.

S 2. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.