

1018

2013-2014 Regular Sessions

I N S E N A T E

(PREFILED)

January 9, 2013

Introduced by Sen. ROBACH -- 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 expanding the crime of robbery in the first and second degrees to include attempts of such crime with a device appearing to be a bomb or other explosive device

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

1 Section 1. Subdivision 3 of section 160.15 of the penal law, as
2 amended by chapter 374 of the laws of 1973, is amended to read as
3 follows:

4 3. Uses or threatens the immediate use of a dangerous instrument,
5 INCLUDING BUT NOT LIMITED TO, ANY DEVICE OR OBJECT THAT CONSTITUTES,
6 APPEARS TO CONSTITUTE, OR IS REPRESENTED TO CONSTITUTE, IN WHOLE OR IN
7 PART, A BOMB, DESTRUCTIVE DEVICE, OR AN EXPLOSIVE OR HAZARDOUS
8 SUBSTANCE; EXCEPT THAT IN ANY PROSECUTION UNDER THIS SUBDIVISION, IT IS
9 AN AFFIRMATIVE DEFENSE THAT SUCH DEVICE OR OBJECT WHICH WAS THREATENED,
10 WAS NOT AN OPERATIVE BOMB, DESTRUCTIVE DEVICE, EXPLOSIVE OR HAZARDOUS
11 SUBSTANCE. NOTHING CONTAINED IN THIS SUBDIVISION SHALL CONSTITUTE A
12 DEFENSE TO A PROSECUTION FOR, OR PRECLUDE A CONVICTION OF, ROBBERY IN
13 THE SECOND DEGREE, ROBBERY IN THE THIRD DEGREE OR ANY OTHER CRIME; or

14 S 2. Subdivision 2 of section 160.10 of the penal law is amended by
15 adding a new paragraph (c) to read as follows:

16 (C) DISPLAYS OR THREATENS TO USE ANY DEVICE OR OBJECT THAT CONSTI-
17 TUTES, APPEARS TO CONSTITUTE, OR IS REPRESENTED TO CONSTITUTE, IN WHOLE
18 OR IN PART, A BOMB, DESTRUCTIVE DEVICE, OR AN EXPLOSIVE OR HAZARDOUS
19 SUBSTANCE; OR

20 S 3. This act shall take effect on the first of November next succeed-
21 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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