

2926

2013-2014 Regular Sessions

I N   S E N A T E

January 25, 2013

---

Introduced by Sens. ZELDIN, 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 establishing jurisdiction  
and venue for a pattern of criminal offenses

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

1     Section 1. The penal law is amended by adding a new section 70.16 to  
2 read as follows:

3     S 70.16 JURISDICTION AND VENUE FOR A PATTERN OF ORGANIZED RETAIL CRIME  
4               OFFENSES.

5     1. A PERSON MAY BE PROSECUTED FOR CRIMINAL ACTIONS WITH RESPECT TO  
6 EACH OF THE ALLEGED CRIMINAL OFFENSES INCLUDED WITHIN A PATTERN OF CRIM-  
7 INAL OFFENSES THAT ARE PART OF THE SAME PLAN, SCHEME, OR ADVENTURE OF  
8 ORGANIZED RETAIL CRIME, IN ANY COUNTY WHERE AT LEAST ONE ALLEGED CRIMI-  
9 NAL OFFENSE HAS OCCURRED AND SUCH OFFENSE IS PART OF THE ALLEGED PATTERN  
10 OF CRIMINAL ACTIVITY. ONE DISTRICT COURT OR COUNTY COURT MAY POSSESS  
11 JURISDICTION OVER ALL CRIMINAL OFFENSES, PERSONS AND PROPERTY THAT ARE  
12 PART OF, OR ARE DIRECTLY RELATED TO, EACH OR ALL OF THE ALLEGED CRIMINAL  
13 OFFENSES FORMING THE ALLEGED PATTERN OF CRIMINAL OFFENSES.

14     2. THIS SECTION SHALL BE ENFORCED IN ANY COUNTY WHERE AT LEAST ONE  
15 ALLEGED CRIMINAL OFFENSE HAS OCCURRED AND SUCH OFFENSE IS PART OF THE  
16 ALLEGED PATTERN OF CRIMINAL ACTIVITY.

17     3. FOR PURPOSES OF THIS SECTION, ORGANIZED RETAIL CRIME SHALL MEAN THE  
18 STEALING, EMBEZZLEMENT, OR OBTAINING BY FRAUD, FALSE PRETENSES, OR OTHER  
19 ILLEGAL MEANS, RETAIL MERCHANDISE IN QUANTITIES THAT WOULD NOT NORMALLY  
20 BE PURCHASED FOR PERSONAL USE OR CONSUMPTION, FOR THE PURPOSES OF  
21 RESELLING, TRADING, OR OTHERWISE REENTERING SUCH RETAIL MERCHANDISE IN  
22 COMMERCE.

23     S 2. This act shall take effect on the first of November next succeed-  
24 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.

LBD01061-01-3