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

2926--B

Cal. No. 212

2013-2014 Regular Sessions

I N S E N A T E

January 25, 2013

Introduced by Sens. ZELDIN, LANZA, MAZIARZ, SAVINO -- read twice and ordered printed, and when printed to be committed to the Committee on Codes -- reported favorably from said committee and committed to the Committee on Consumer Protection -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading -- passed by Senate and delivered to the Assembly, recalled, vote reconsidered, restored to third reading, amended and ordered reprinted, retaining its place in the order of third reading

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:

Section 1. Subdivision 4 of section 20.40 of the criminal procedure law is amended by adding a new paragraph (n) to read as follows:

(N) (I) AN ORGANIZED RETAIL THEFT CRIME, WHERE THE DEFENDANT KNOWS THAT SUCH CRIME IS A PART OF A COORDINATED PLAN, SCHEME OR VENTURE OF ORGANIZED RETAIL THEFT CRIMES COMMITTED BY TWO OR MORE PERSONS, MAY BE PROSECUTED IN ANY COUNTY IN WHICH AT LEAST ONE SUCH ORGANIZED RETAIL THEFT CRIME WAS COMMITTED; PROVIDED, HOWEVER, THAT THE COUNTY OF PROSECUTION IS CONTIGUOUS TO ANOTHER COUNTY IN WHICH ONE OR MORE OF SUCH OTHER ORGANIZED RETAIL THEFT CRIMES WAS COMMITTED. FOR PURPOSES OF THIS PARAGRAPH, THE FIVE COUNTIES THAT COMPRISE NEW YORK CITY SHALL BE DEEMED CONTIGUOUS WITH EACH OTHER.

(II) FOR PURPOSES OF THIS PARAGRAPH, "ORGANIZED RETAIL THEFT CRIME" SHALL MEAN AND INCLUDE A CRIME UNDER THIS CHAPTER THAT INVOLVES THE LARCENY, EMBEZZLEMENT OR OBTAINING BY FRAUD, FALSE PRETENSES OR OTHER ILLEGAL MEANS OF RETAIL MERCHANDISE IN QUANTITIES THAT WOULD NOT NORMALLY BE PURCHASED FOR PERSONAL USE OR CONSUMPTION, FOR THE PURPOSES OF

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

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RESELLING, TRADING, OR OTHERWISE REENTERING SUCH RETAIL MERCHANDISE IN COMMERCE.

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