

5339

2015-2016 Regular Sessions

I N   A S S E M B L Y

February 18, 2015

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

AN ACT to amend the penal law, in relation to cemetery desecration; and  
to repeal certain provisions of such law relating thereto

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

1     Section 1. Section 145.23 of the penal law, as amended by chapter 353  
2     of the laws of 2007, is amended to read as follows:  
3     S [145.23] 145.22 Cemetery desecration in the [first] SECOND degree.  
4     A person is guilty of cemetery desecration in the [first] SECOND  
5     degree when with intent to damage property of another person, and having  
6     no right to do so nor any reasonable ground to believe that he OR SHE  
7     has such right, he OR SHE:  
8     (a) damages any real or personal property maintained as a cemetery  
9     plot, grave, burial place or other place of interment of human remains  
10    [in an amount exceeding two hundred fifty dollars]; or  
11    (b) with intent to steal personal property, he OR SHE steals personal  
12    property[, the value of which exceeds two hundred fifty dollars,] which  
13    is located at a cemetery plot, grave, burial place or other place of  
14    interment of human remains and which property is owned by the person or  
15    organization which maintains or owns such place or the estate, next-of-  
16    kin or representatives of the deceased person interred there[; or  
17    (c) commits the crime of cemetery desecration in the second degree as  
18    defined in section 145.22 of this article and has been previously  
19    convicted of the crime of cemetery desecration in the second degree  
20    within the preceding five years].  
21    Cemetery desecration in the [first] SECOND degree is a class E felony.  
22    S 2. The penal law is amended by adding a new section 145.23 to read  
23    as follows:  
24    S 145.23 CEMETERY DESECRATION IN THE FIRST DEGREE.

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

LBD03105-01-5

1 A PERSON IS GUILTY OF CEMETERY DESECRATION IN THE FIRST DEGREE WHEN HE  
2 OR SHE COMMITS THE CRIME OF CEMETERY DESECRATION IN THE SECOND DEGREE AS  
3 DEFINED IN SECTION 145.22 OF THIS ARTICLE AND HAS BEEN PREVIOUSLY  
4 CONVICTED OF THE CRIME OF CEMETERY DESECRATION IN THE SECOND DEGREE  
5 WITHIN THE PRECEDING FIVE YEARS.

6 CEMETERY DESECRATION IN THE FIRST DEGREE IS A CLASS D FELONY.

7 S 3. Section 145.22 of the penal law is REPEALED.

8 S 4. This act shall take effect on the first of November next succeed-  
9 ing the date on which it shall have become a law.