

6503

2015-2016 Regular Sessions

I N   A S S E M B L Y

March 25, 2015

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

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 ASSEM-  
BLY, DO ENACT AS FOLLOWS:

1     Section 1. Subdivision 4 of section 20.40 of the criminal procedure  
2     law is amended by adding a new paragraph (n) to read as follows:  
3     (N) (I) AN ORGANIZED RETAIL THEFT CRIME, WHERE THE DEFENDANT KNOWS  
4     THAT SUCH CRIME IS A PART OF A COORDINATED PLAN, SCHEME OR VENTURE OF  
5     ORGANIZED RETAIL THEFT CRIMES COMMITTED BY TWO OR MORE PERSONS, MAY BE  
6     PROSECUTED IN ANY COUNTY IN WHICH AT LEAST ONE SUCH ORGANIZED RETAIL  
7     THEFT CRIME WAS COMMITTED; PROVIDED, HOWEVER, THAT THE COUNTY OF PROSE-  
8     CUTION IS CONTIGUOUS TO ANOTHER COUNTY IN WHICH ONE OR MORE OF SUCH  
9     OTHER ORGANIZED RETAIL THEFT CRIMES WAS COMMITTED. FOR PURPOSES OF THIS  
10    PARAGRAPH, THE FIVE COUNTIES THAT COMPRISE NEW YORK CITY SHALL BE DEEMED  
11    CONTIGUOUS WITH EACH OTHER.  
12    (II) FOR PURPOSES OF THIS PARAGRAPH, "ORGANIZED RETAIL THEFT CRIME"  
13    SHALL MEAN AND INCLUDE A CRIME UNDER THIS CHAPTER THAT INVOLVES THE  
14    LARCENY, EMBEZZLEMENT OR OBTAINING BY FRAUD, FALSE PRETENSES OR OTHER  
15    ILLEGAL MEANS OF RETAIL MERCHANDISE IN QUANTITIES THAT WOULD NOT NORMAL-  
16    LY BE PURCHASED FOR PERSONAL USE OR CONSUMPTION, FOR THE PURPOSES OF  
17    RESELLING, TRADING, OR OTHERWISE REENTERING SUCH RETAIL MERCHANDISE IN  
18    COMMERCE.  
19    S 2. This act shall take effect on the first of November next succeed-  
20    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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