

6503--A

2015-2016 Regular Sessions

I N A S S E M B L Y

March 25, 2015

Introduced by M. of A. CUSICK, McDONALD -- Multi-Sponsored by -- M. of A. BUCHWALD -- read once and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the criminal procedure law, in relation to establishing jurisdiction for organized retail theft crimes

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, 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 SUCH DEFENDANT COMMITTED AT LEAST ONE
7 SUCH ORGANIZED RETAIL THEFT CRIME; PROVIDED, HOWEVER, THAT THE COUNTY OF
8 PROSECUTION IS CONTIGUOUS TO ANOTHER COUNTY IN WHICH ONE OR MORE OF SUCH
9 OTHER ORGANIZED RETAIL THEFT CRIMES WAS COMMITTED. MULTIPLE ORGANIZED
10 RETAIL THEFT CRIMES COMMITTED BY THE SAME DEFENDANT MAY BE JOINED IN ONE
11 INDICTMENT IF AUTHORIZED AND APPROPRIATE IN ACCORDANCE WITH THE
12 PROVISIONS OF SECTION 200.20 OF THIS CHAPTER, PROVIDED, HOWEVER, THAT
13 NOTWITHSTANDING SECTION 200.40 OF THIS CHAPTER, NO MORE THAN ONE DEFEND-
14 ANT MAY BE CHARGED IN THE SAME INDICTMENT OR PROSECUTED AS PART OF THE
15 SAME TRIAL UNDER THIS PARAGRAPH. FOR PURPOSES OF THIS PARAGRAPH, THE
16 FIVE COUNTIES THAT COMPRISE NEW YORK CITY SHALL BE DEEMED CONTIGUOUS
17 WITH EACH OTHER.
18 (II) FOR PURPOSES OF THIS PARAGRAPH, "ORGANIZED RETAIL THEFT CRIME"
19 SHALL MEAN THE CRIME OF LARCENY, INCLUDING BY TRICK, FRAUD, EMBEZZLE-
20 MENT, STEALING OR FALSE PRETENSES, OF RETAIL MERCHANDISE IN QUANTITIES
21 THAT WOULD NOT NORMALLY BE PURCHASED FOR PERSONAL USE OR CONSUMPTION,
22 FOR THE PURPOSES OF RESELLING, TRADING, OR OTHERWISE REENTERING SUCH
23 RETAIL MERCHANDISE IN COMMERCE.

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

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1 S 2. Subdivision 1 of section 100.45 of the criminal procedure law is
2 amended to read as follows:
3 1. Where appropriate, the provisions of sections 200.20 and 200.40
4 AND PARAGRAPH (N) OF SUBDIVISION FOUR OF SECTION 20.40 OF THIS CHAPTER,
5 governing severance of counts of an indictment and severance of defend-
6 ants for trial purposes, and governing consolidation of indictments for
7 trial purposes, apply to informations, to prosecutor's informations and
8 to misdemeanor complaints.
9 S 3. This act shall take effect on the first of November next succeed-
10 ing the date on which it shall have become a law.