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I N   A S S E M B L Y

April 5, 2016

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

AN ACT to amend the penal law, in relation to burglary in the second  
degree

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

1     Section 1. Subdivision 2 of section 140.25 of the penal law, as  
2     amended by chapter 361 of the laws of 1981, is amended and a new subdi-  
3     vision 3 is added to read as follows:  
4     2. The building is a dwelling[.]; OR  
5     3. THE BUILDING IS A DWELLING WHICH, AT THE TIME OF THE COMMISSION OF  
6     THE CRIME, IS OCCUPIED BY A PERSON WHO IS NOT A PARTICIPANT IN THE  
7     CRIME.  
8     S 2. Paragraph (b) of subdivision 1 of section 70.02 of the penal law,  
9     as amended by chapter 1 of the laws of 2013, is amended to read as  
10    follows:  
11    (b) Class C violent felony offenses: an attempt to commit any of the  
12    class B felonies set forth in paragraph (a) of this subdivision; aggra-  
13    vated criminally negligent homicide as defined in section 125.11, aggra-  
14    vated manslaughter in the second degree as defined in section 125.21,  
15    aggravated sexual abuse in the second degree as defined in section  
16    130.67, assault on a peace officer, police officer, fireman or emergency  
17    medical services professional as defined in section 120.08, assault on a  
18    judge as defined in section 120.09, gang assault in the second degree as  
19    defined in section 120.06, strangulation in the first degree as defined  
20    in section 121.13, burglary in the second degree as defined in SUBDIVI-  
21    SIONS ONE AND THREE OF section 140.25, robbery in the second degree as  
22    defined in section 160.10, criminal possession of a weapon in the second  
23    degree as defined in section 265.03, criminal use of a firearm in the  
24    second degree as defined in section 265.08, criminal sale of a firearm  
25    in the second degree as defined in section 265.12, criminal sale of a  
26    firearm with the aid of a minor as defined in section 265.14, aggravated  
27    criminal possession of a weapon as defined in section 265.19, soliciting  
28    or providing support for an act of terrorism in the first degree as

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

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1 defined in section 490.15, hindering prosecution of terrorism in the  
2 second degree as defined in section 490.30, and criminal possession of a  
3 chemical weapon or biological weapon in the third degree as defined in  
4 section 490.37.

5 S 3. This act shall take effect immediately.