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

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Cal. No. 231

2015-2016 Regular Sessions

I N S E N A T E

February 18, 2015

Introduced by Sens. VENDITTO, AVELLA -- read twice and ordered printed, and when printed to be committed to the Committee on Codes -- reported favorably from said committee, ordered to first and second report, ordered to a 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 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 SUCH DEFENDANT COMMITTED AT LEAST ONE SUCH ORGANIZED RETAIL THEFT CRIME; 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. MULTIPLE ORGANIZED RETAIL THEFT CRIMES COMMITTED BY THE SAME DEFENDANT MAY BE JOINED IN ONE INDICTMENT IF AUTHORIZED AND APPROPRIATE IN ACCORDANCE WITH THE PROVISIONS OF SECTION 200.20 OF THIS CHAPTER, PROVIDED, HOWEVER, THAT NOTWITHSTANDING SECTION 200.40 OF THIS CHAPTER, NO MORE THAN ONE DEFENDANT MAY BE CHARGED IN THE SAME INDICTMENT OR PROSECUTED AS PART OF THE SAME TRIAL UNDER THIS PARAGRAPH. 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 THE CRIME OF LARCENY, INCLUDING BY TRICK, FRAUD, EMBEZZLEMENT, STEALING OR FALSE PRETENSES, OF RETAIL MERCHANDISE IN QUANTITIES

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

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THAT WOULD NOT NORMALLY BE PURCHASED FOR PERSONAL USE OR CONSUMPTION, FOR THE PURPOSES OF RESELLING, TRADING, OR OTHERWISE REENTERING SUCH RETAIL MERCHANDISE IN COMMERCE.

S 2. Subdivision 1 of section 100.45 of the criminal procedure law is amended to read as follows:

1. Where appropriate, the provisions of sections 200.20 and 200.40 AND PARAGRAPH (N) OF SUBDIVISION FOUR OF SECTION 20.40 OF THIS CHAPTER, governing severance of counts of an indictment and severance of defendants for trial purposes, and governing consolidation of indictments for trial purposes, apply to informations, to prosecutor's informations and to misdemeanor complaints.

S 3. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.