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

889--A

2015-2016 Regular Sessions

I N S E N A T E

January 7, 2015

Introduced by Sen. AVELLA -- read twice and ordered printed, and when printed to be committed to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the penal law, in relation to establishing the crime of illegal conversion or alteration of real property

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

Section 1. The penal law is amended by adding two new sections 145.75 and 145.80 to read as follows:

S 145.75 DEFINITION; CONVERSION OR ALTERATION OF REAL PROPERTY.

FOR PURPOSES OF SECTION 145.80 OF THIS ARTICLE, "CONVERSION OR ALTERATION" SHALL MEAN ANY CHANGE IN THE STRUCTURAL PARTS OR EXISTING FACILITIES OF ANY BUILDING, INCLUDING, BUT NOT LIMITED TO, THE SUBDIVISION OF ROOMS, OR ERECTION OR DEMOLITION OF WALLS, OR THE MOVING OF ANY BUILDING FROM ONE LOCATION OR POSITION TO ANOTHER.

S 145.80 ILLEGAL CONVERSION OR ALTERATION OF REAL PROPERTY.

A PERSON IS GUILTY OF ILLEGAL CONVERSION OR ALTERATION OF REAL PROPERTY WHEN:

1. (A) HE OR SHE IS THE OWNER OR MANAGER OF REAL PROPERTY AND KNOWINGLY PARTICIPATED OR AUTHORIZED THE ILLEGAL ALTERATION OR CONVERSION OF SUCH PROPERTY IN VIOLATION OF ANY STATE OR LOCAL LAW, ORDINANCE, CODE OR RULE OR REGULATION RELATING TO REAL PROPERTY, BUILDINGS OR MULTIPLE DWELLINGS; OR

(B) HE OR SHE IS A TENANT OF REAL PROPERTY AND MAKES AN ILLEGAL CONVERSION OR ALTERATION OF SUCH PROPERTY WITHOUT THE KNOWLEDGE OF THE OWNER THEREOF, AND SUCH ALTERATION OR CONVERSION OF THE REAL PROPERTY WAS IN VIOLATION OF ANY STATE OR LOCAL LAW, ORDINANCE, CODE OR RULE OR REGULATION RELATING TO REAL PROPERTY, BUILDINGS OR MULTIPLE DWELLINGS; AND

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

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2. THE ALTERATION OR CONVERSION CAUSES A SERIOUS PHYSICAL INJURY TO ANOTHER PERSON.

ILLEGAL CONVERSION OR ALTERATION OF REAL PROPERTY IS A CLASS C FELONY.

S 2. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.