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

7128

I N S E N A T E

March 30, 2016

Introduced by Sen. GOLDEN -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the penal law, in relation to aggravated grand larceny of an automated teller machine

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

Section 1. Section 155.00 of the penal law is amended by adding a new subdivision 10 to read as follows:

10. "AUTOMATED TELLER MACHINE" MEANS A DEVICE THAT IS LINKED TO A BANKING INSTITUTION OR A NETWORK OF BANKING INSTITUTIONS, ENTITIES THAT PROVIDE CONSUMER CREDIT, OR A COMBINATION OF SUCH INSTITUTIONS AND ENTITIES, WHICH ENABLES CONSUMERS TO CARRY OUT ONE OR MORE BANKING TRANSACTIONS AND/OR FINANCIAL TRANSACTIONS. BANKING TRANSACTIONS SHALL INCLUDE, BUT ARE NOT LIMITED TO, ACCOUNT TRANSFERS, DEPOSITS, CASH WITHDRAWALS, BALANCE INQUIRIES AND LOAN PAYMENTS. FINANCIAL TRANSACTIONS SHALL INCLUDE, BUT ARE NOT LIMITED TO, CASH ADVANCES, CREDIT CARD PAYMENTS AND BALANCE INQUIRIES.

S 2. Section 155.43 of the penal law, as added by chapter 464 of the laws of 2010, is amended to read as follows:

S 155.43 Aggravated grand larceny of an automated teller machine.

A person is guilty of aggravated grand larceny of an automated teller machine when he or she commits the crime of grand larceny in the third degree, as defined in subdivision two of section 155.35 of this article and has been previously convicted of grand larceny in the third degree within the previous [five] TEN years.

Aggravated grand larceny of an automated teller machine is a class C felony.

S 3. This act shall take effect on the first of November next succeeding the date upon 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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