

STATE OF NEW YORK

3950

2017-2018 Regular Sessions

IN ASSEMBLY

January 30, 2017

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

AN ACT to amend the penal law, in relation to the theft of a motor vehicle while a child is present therein

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 155.35 of the penal law, as amended by chapter 464
2 of the laws of 2010, is amended to read as follows:

3 § 155.35 Grand larceny in the third degree.

4 A person is guilty of grand larceny in the third degree when he or she
5 steals property and when:

6 1. [~~when~~] the value of the property exceeds three thousand dollars[~~;~~];
7 or

8 2. the property is an automated teller machine or the contents of an
9 automated teller machine[~~;~~]; or

10 3. the property consists of a motor vehicle, as defined in section one
11 hundred twenty-five of the vehicle and traffic law, and, during the
12 commission of such offense, a child under the age of sixteen years is
13 present in or on such motor vehicle.

14 Grand larceny in the third degree is a class D felony.

15 § 2. Section 155.42 of the penal law, as added by chapter 515 of the
16 laws of 1986, is amended to read as follows:

17 § 155.42 Grand larceny in the first degree.

18 A person is guilty of grand larceny in the first degree when he or she
19 steals property and when [~~the~~]:

20 1. the value of the property exceeds one million dollars[~~;~~]; or

21 2. the property, regardless of its value, consists of a motor vehicle,
22 as defined in section one hundred twenty-five of the vehicle and traffic
23 law, is obtained by extortion committed by instilling in the victim a
24 fear that the actor or another person will cause physical injury to some
25 person, in the future, and a child under the age of sixteen years is

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

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1 present in or on such motor vehicle during the commission of such
2 offense.

3 Grand larceny in the first degree is a class B felony.

4 § 3. Section 160.15 of the penal law, as amended by chapter 374 of the
5 laws of 1973, is amended to read as follows:

6 § 160.15 Robbery in the first degree.

7 A person is guilty of robbery in the first degree when he or she
8 forcibly steals property and when~~[, in]~~:

9 1. In the course of the commission of the crime or of immediate flight
10 therefrom, he, she or another participant in the crime:

11 ~~[1-]~~ (a) Causes serious physical injury to any person who is not a
12 participant in the crime; or

13 ~~[2-]~~ (b) Is armed with a deadly weapon; or

14 ~~[3-]~~ (c) Uses or threatens the immediate use of a dangerous instru-
15 ment; or

16 ~~[4-]~~ (d) Displays what appears to be a pistol, revolver, rifle, shot-
17 gun, machine gun or other firearm; except that in any prosecution under
18 this ~~[subdivision]~~ paragraph, it is an affirmative defense that such
19 pistol, revolver, rifle, shotgun, machine gun or other firearm was not a
20 loaded weapon from which a shot, readily capable of producing death or
21 other serious physical injury, could be discharged. Nothing contained in
22 this ~~[subdivision]~~ paragraph shall constitute a defense to a prosecution
23 for, or preclude a conviction of, robbery in the second degree, robbery
24 in the third degree or any other crime~~[, or]~~; or

25 2. The property consists of a motor vehicle, as defined in section one
26 hundred twenty-five of the vehicle and traffic law, and, during the
27 commission of such offense, a child under the age of sixteen years is
28 present in or on such motor vehicle.

29 Robbery in the first degree is a class B felony.

30 § 4. This act shall take effect on the first of November next succeed-
31 ing the date on which it shall have become a law.