

# STATE OF NEW YORK

3215

2017-2018 Regular Sessions

## IN ASSEMBLY

January 27, 2017

Introduced by M. of A. SCHIMMINGER, ENGLEBRIGHT, GUNTHER, JAFFEE, OTIS, SIMOTAS, COOK, BRONSON -- Multi-Sponsored by -- M. of A. MAGEE, PEOPLES-STOKES, PERRY, SKARTADOS, STECK, THIELE -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to the definition of mentally disabled and in relation to larceny

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

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

3 10. "Mentally disabled" means that a person suffers from a mental  
4 disease, defect or condition which renders him or her incapable of  
5 appraising the nature of the conduct constituting the taking, obtaining  
6 or withholding of his or her property.

7 § 2. Section 155.10 of the penal law is amended to read as follows:

8 § 155.10 Larceny; no defense.

9 1. The crimes of (a) larceny committed by means of extortion and an  
10 attempt to commit the same, and (b) bribe receiving by a labor official  
11 as defined in section 180.20, and bribe receiving as defined in section  
12 200.05, are not mutually exclusive, and it is no defense to a prose-  
13 cution for larceny committed by means of extortion or for an attempt to  
14 commit the same that, by reason of the same conduct, the defendant also  
15 committed one of such specified crimes of bribe receiving.

16 2. It is no defense to a prosecution for larceny that the defendant  
17 obtained consent to take, withhold, or obtain property, where such  
18 consent was obtained from a person whom the defendant knew or had reason  
19 to know was mentally disabled.

20 § 3. This act shall take effect immediately.

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

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