

# STATE OF NEW YORK

4466

2017-2018 Regular Sessions

## IN ASSEMBLY

February 2, 2017

Introduced by M. of A. CUSICK, GUNTHER, TITONE, CRESPO, ZEBROWSKI,  
WEPRIN -- Multi-Sponsored by -- M. of A. MAGEE, SIMANOWITZ -- read  
once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to organized retail theft  
using an emergency exit

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

1 Section 1. Subdivisions 9, 10 and 11 of section 155.30 of the penal  
2 law, subdivision 9 as amended by chapter 479 of the laws of 2010, subdi-  
3 vision 10 as added by chapter 491 of the laws of 1992 and subdivision 11  
4 as added by chapter 394 of the laws of 2005, are amended and a new  
5 subdivision 12 is added to read as follows:

6 9. The property consists of a scroll, religious vestment, a vessel, an  
7 item comprising a display of religious symbols which forms a represen-  
8 tative expression of faith, or other miscellaneous item of property  
9 which:

10 (a) has a value of at least one hundred dollars; and

11 (b) is kept for or used in connection with religious worship in any  
12 building, structure or upon the curtilage of such building or structure  
13 used as a place of religious worship by a religious corporation, as  
14 incorporated under the religious corporations law or the education  
15 law[-]; or

16 10. The property consists of an access device which the person intends  
17 to use unlawfully to obtain telephone service[-]; or

18 11. The property consists of anhydrous ammonia or liquified ammonia  
19 gas and the actor intends to use, or knows another person intends to  
20 use, such anhydrous ammonia or liquified ammonia gas to manufacture  
21 methamphetamine[-]; or

22 12. The property is stolen from a retail mercantile establishment and,  
23 to facilitate an organized retail crime, the person leaves the retail  
24 mercantile establishment with such property by use of a designated emer-

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

LBD00459-01-7

1 gency exit. For the purposes of this subdivision, the term "retail  
2 mercantile establishment" shall mean a place where goods, wares, or  
3 merchandise are offered to the public for sale. For purposes of this  
4 subdivision, organized retail crime shall mean the stealing, embezzle-  
5 ment, or obtaining by fraud, false pretenses, or other illegal means, of  
6 retail merchandise in quantities that would not normally be purchased  
7 for personal use or consumption, for the purpose of reselling, trading,  
8 or otherwise reentering such retail merchandise into commerce.

9 § 2. This act shall take effect on the first of November next succeed-  
10 ing the date on which it shall have become a law.