STATE OF NEW YORK

5444

2017-2018 Regular Sessions

IN ASSEMBLY

February 9, 2017

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

AN ACT to amend the penal law, in relation to burglary in the second degree

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

Section 1. Section 140.25 of the penal law, paragraph (c) of subdivision 1 as added by chapter 791 of the laws of 1967, paragraph (d) of subdivision 1 as amended by chapter 374 of the laws of 1973 and subdivision 2 as amended by chapter 361 of the laws of 1981, is amended to read as follows:

§ 140.25 Burglary in the second degree.

A person is guilty of burglary in the second degree when he **or she** knowingly enters or remains unlawfully in a building with intent to commit a crime therein, and when:

1. In effecting entry or while in the building or in immediate flight therefrom, he **or she** or another participant in the crime:

(a) Is armed with explosives or a deadly weapon; or

(b) Causes physical injury to any person who is not a participant in the crime; or

(c) Uses or threatens the immediate use of a dangerous instrument; or

(d) Displays what appears to be a pistol, revolver, rifle, shotgun, machine gun or other firearm; or

(e) Displays any device or object that by its design, construction, content or characteristics appears to be or to contain a bomb, destructive device, explosive or hazardous substance, but is, in fact, an inoperative facsimile or imitation of such a bomb, destructive device, explosive or hazardous substance; or

2. The building is a dwelling.

Burglary in the second degree is a class C felony.

§ 2. This act shall take effect on the one hundred twentieth day after it shall have become a law.

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

LBD09457-01-7