STATE OF NEW YORK

1386

2019-2020 Regular Sessions

IN SENATE

January 14, 2019

Introduced by Sen. FUNKE -- 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 increasing the penalty for larceny and criminal mischief during a declaration of a state of emergency by the governor, when committed within the geographical area where the state of emergency is in effect

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

Section 1. Section 155.30 of the penal law is amended by adding a new subdivision 12 to read as follows:

12. He or she commits the offense of petit larceny under section 155.25 of this article during a declaration of a state of emergency by the governor, within the geographical area where the state of emergency is in effect.

§ 2. Section 155.35 of the penal law is amended by adding a new subdivision 3 to read as follows:

3. Commits the offense of grand larceny in the fourth degree under section 155.30 of this article during a declaration of a state of emergency by the governor, within the geographical area where the state of emergency is in effect.

§ 3. Section 155.40 of the penal law is amended by adding a new subdivision 3 to read as follows:

3. He or she commits the offense of grand larceny in the third degree under section 155.35 of this article during a declaration of a state of emergency by the governor, within the geographical area where the state of emergency is in effect.

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

§ 155.42 Grand larceny in the first degree.

A person is guilty of grand larceny in the first degree when he steals property and when**:**

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

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

2. He or she commits the offense of grand larceny in the second degree under section 155.40 of this article during a declaration of a state of emergency by the governor, within the geographical area where the state of emergency is in effect.

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

§ 5. Section 145.05 of the penal law is amended by adding a new subdivision 3 to read as follows:

3. commits the offense of criminal mischief in the fourth degree under section 145.00 of this article during a declaration of a state of emergency by the governor, within the geographical area where the state of emergency is in effect.

§ 6. Section 145.10 of the penal law, as amended by chapter 961 of the laws of 1971, is amended to read as follows:

§ 145.10 Criminal mischief in the second degree.

A person is guilty of criminal mischief in the second degree when with intent to damage property of another person, and having no right to do so nor any reasonable ground to believe that he has such right, he or she:

1. damages property of another person in an amount exceeding one thousand five hundred dollars; or

2. commits the offense of criminal mischief in the third degree under section 145.05 of this article during a declaration of a state of emergency by the governor, within the geographical area where the state of emergency is in effect.

Criminal mischief in the second degree is a class D felony.

§ 7. Section 145.12 of the penal law, as added by chapter 961 of the laws of 1971, is amended to read as follows:

§ 145.12 Criminal mischief in the first degree.

A person is guilty of criminal mischief in the first degree when with intent to damage property of another person, and having no right to do so nor any reasonable ground to believe that he has such right, he or she:

1. damages property of another person by means of an explosive; or

2. commits the offense of criminal mischief in the second degree under section 145.10 of this article during a declaration of a state of emergency by the governor, within the geographical area where the state of emergency is in effect.

Criminal mischief in the first degree is a class B felony.

§ 8. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.