STATE OF NEW YORK

5874

2021-2022 Regular Sessions

IN SENATE

March 19, 2021

Introduced by Sen. SAVINO -- 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 damages to municipal property

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

Section 1. Subdivision 2 of section 145.05 of the penal law, as amended by chapter 276 of the laws of 2003, is amended and a new subdivision 3 is added to read as follows:

2. damages property of another person in an amount exceeding two hundred fifty dollars[~~.~~]**; or**

3. damages property owned, controlled, leased or utilized by a municipality, town, village or public authority which results in the property taken out of service to the public to repair such damage.

§ 2. 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 **or she** has such right, he **or she:**

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

2. damages property owned, controlled, leased or utilized by a municipality, town, village or public authority which results in the property taken out of service to the public to repair such damage and the value of the damage exceeds two hundred fifty dollars.

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

§ 3. 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.

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

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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 **or she** has such right, he **or she:**

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

2. damages property owned, controlled, leased or utilized by a municipality, town, village or public authority which results in the property taken out of service to the public to repair such damage and the value of such damage exceeds one thousand five hundred dollars.

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

§ 4. This act shall take effect on the ninetieth day after it shall have become a law.