

# STATE OF NEW YORK

6024

2021-2022 Regular Sessions

## IN SENATE

March 30, 2021

Introduced by Sen. BENJAMIN -- 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 dollar thresholds for the categories of larceny; and to repeal certain provisions of such law related thereto

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

Section 1. The penal law is amended by adding a new section 155.23 to read as follows:

§ 155.23 Larceny.

A person is guilty of larceny when he steals property.

Larceny is a class B misdemeanor.

§ 2. Section 155.25 of the penal law is amended to read as follows:

§ 155.25 Petit larceny.

A person is guilty of petit larceny when he steals property when the value of the property exceeds one thousand dollars.

Petit larceny is a class A misdemeanor.

§ 3. Section 155.30 of the penal law, as amended by chapter 515 of the laws of 1986, subdivision 4 as amended by chapter 556 of the laws of 1987, subdivision 8 as amended by chapter 450 of the laws of 1990, subdivision 9 as amended by chapter 479 of the laws of 2010, subdivision 10 as added by chapter 491 of the laws of 1992, subdivision 11 as added by chapter 394 of the laws of 2005, is amended to read as follows:

§ 155.30 Grand Larceny in the fourth degree.

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

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

2. The property consists of a public record, writing or instrument kept, filed or deposited according to law with or in the keeping of any public office or public servant; or

3. [~~The property consists of secret scientific material; or~~

~~4. The property consists of a credit card or debit card; or~~

~~5.]~~ The property, regardless of its nature and value, is taken from the person of another; or

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

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1     ~~[6.]~~ 4. The property, regardless of its nature and value, is obtained  
2 by extortion~~[, or~~

3     ~~[7.]~~ 5. The property consists of one or more firearms, rifles or shot-  
4 guns, as such terms are defined in section 265.00 of this chapter; or

5     ~~[8. The value of the property exceeds one hundred dollars and the~~  
6 ~~property consists of a motor vehicle, as defined in section one hundred~~  
7 ~~twenty-five of the vehicle and traffic law, other than a motorcycle, as~~  
8 ~~defined in section one hundred twenty-three of such law; or~~

9     ~~9.]~~ 6. The property consists of a scroll, religious vestment, a  
10 vessel, an item comprising a display of religious symbols which forms a  
11 representative expression of faith, or other miscellaneous item of prop-  
12 erty which:

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

14     (b) is kept for or used in connection with religious worship in any  
15 building, structure or upon the curtilage of such building or structure  
16 used as a place of religious worship by a religious corporation, as  
17 incorporated under the religious corporations law or the education law.

18     ~~[10. The property consists of an access device which the person~~  
19 ~~intends to use unlawfully to obtain telephone service.~~

20     ~~11.]~~ 7. The property consists of anhydrous ammonia or liquified ammo-  
21 nia gas and the actor intends to use, or knows another person intends to  
22 use, such anhydrous ammonia or liquified ammonia gas to manufacture  
23 methamphetamine.

24     Grand larceny in the fourth degree is a class E felony.

25     § 4. Section 155.35 of the penal law, as amended by chapter 464 of the  
26 laws of 2010, is amended to read as follows:

27     § 155.35 Grand larceny in the third degree.

28     A person is guilty of grand larceny in the third degree when he or she  
29 steals property ~~[and,~~

30     ~~1.]~~ when the value of the property exceeds ~~[three]~~ fifteen thousand  
31 dollars~~[, or~~

32     ~~2. the property is an automated teller machine or the contents of an~~  
33 ~~automated teller machine].~~

34     Grand larceny in the third degree is a class D felony.

35     § 5. Subdivision 1 of section 155.40 of the penal law, as added by  
36 chapter 515 of the laws of 1986, is amended to read as follows:

37     1. The value of the property exceeds one hundred fifty thousand  
38 dollars; or

39     § 6. The penal law is amended by adding a new section 155.21 to read  
40 as follows:

41     § 155.21 Larceny; automatic indexing of dollar thresholds.

42     For the purposes of any dollar amount threshold for an offense defined  
43 by any of the following provisions of this title, such dollar amount  
44 shall be adjusted on the first of January every fifth year succeeding  
45 the effective date of this section pursuant to changes in the consumer  
46 price index for all urban consumers, as published annually by the United  
47 States department of labor bureau of labor statistics: section 155.25  
48 (petit larceny); section 155.30 (grand larceny in the fourth degree);  
49 section 155.35 (grand larceny in the third degree); section 155.40  
50 (grand larceny in the second degree); section 155.42 (grand larceny in  
51 the first degree). Adjustments made pursuant to this section shall be  
52 to the nearest higher increment of fifty dollars.

53     § 7. Section 155.43 of the penal law is REPEALED.

54     § 8. This act shall take effect immediately.