

# STATE OF NEW YORK

8594

## IN ASSEMBLY

January 12, 2024

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

AN ACT to amend the penal law, in relation to establishing the crime of coordinated petit larceny, the criminal procedure law, in relation to permitting a principal to be eligible to be held on bail for coordinated petit larceny; the executive law, in relation to directing the division of criminal justice services to conduct a public awareness campaign on larceny; and providing for the repeal of certain provisions of the executive law upon expiration thereof

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

1 Section 1. The penal law is amended by adding a new section 155.27 to  
2 read as follows:

3 § 155.27 Coordinated petit larceny.

4 A person is guilty of coordinated petit larceny when he or she steals  
5 property at the same location as one or more other persons who are also  
6 stealing property, who are causing property damage, or are facilitating  
7 the stealing of property or causing of property damage.

8 Coordinated petit larceny is a class E felony.

9 § 2. Paragraphs (t) and (u) of subdivision 4 of section 510.10 of the  
10 criminal procedure law, paragraph (t) as amended and paragraph (u) as  
11 added by section 2 of subpart B of part UU of chapter 56 of the laws of  
12 2022, are amended and a new paragraph (v) is added to read as follows:

13 (t) any felony or class A misdemeanor involving harm to an identifi-  
14 able person or property, or any charge of criminal possession of a  
15 firearm as defined in section 265.01-b of the penal law, where such  
16 charge arose from conduct occurring while the defendant was released on  
17 his or her own recognizance, released under conditions, or had yet to be  
18 arraigned after the issuance of a desk appearance ticket for a separate  
19 felony or class A misdemeanor involving harm to an identifiable person  
20 or property, or any charge of criminal possession of a firearm as  
21 defined in section 265.01-b of the penal law, provided, however, that  
22 the prosecutor must show reasonable cause to believe that the defendant  
23 committed the instant crime and any underlying crime. For the purposes

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

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1 of this subparagraph, any of the underlying crimes need not be a quali-  
2 fying offense as defined in this subdivision. For the purposes of this  
3 paragraph, "harm to an identifiable person or property" shall include  
4 but not be limited to theft of or damage to property. However, based  
5 upon a review of the facts alleged in the accusatory instrument, if the  
6 court determines that such theft is negligible and does not appear to be  
7 in furtherance of other criminal activity, the principal shall be  
8 released on his or her own recognizance or under appropriate non-mone-  
9 tary conditions; [~~or~~]

10 (u) criminal possession of a weapon in the third degree as defined in  
11 subdivision three of section 265.02 of the penal law or criminal sale of  
12 a firearm to a minor as defined in section 265.16 of the penal law[~~+~~];  
13 or

14 (v) coordinated petit larceny as defined in section 155.27 of the  
15 penal law.

16 § 3. Subparagraphs (xx) and (xxi) of paragraph (b) of subdivision 1 of  
17 section 530.20 of the criminal procedure law, subparagraph (xx) as  
18 amended and subparagraph (xxi) as added by section 4 of subpart C of  
19 part UU of chapter 56 of the laws of 2022, are amended and a new subpar-  
20 agraph (xxii) is added to read as follows:

21 (xx) any felony or class A misdemeanor involving harm to an identifi-  
22 able person or property, or any charge of criminal possession of a  
23 firearm as defined in section 265.01-b of the penal law where such  
24 charge arose from conduct occurring while the defendant was released on  
25 his or her own recognizance, released under conditions, or had yet to be  
26 arraigned after the issuance of a desk appearance ticket for a separate  
27 felony or class A misdemeanor involving harm to an identifiable person  
28 or property, provided, however, that the prosecutor must show reasonable  
29 cause to believe that the defendant committed the instant crime and any  
30 underlying crime. For the purposes of this subparagraph, any of the  
31 underlying crimes need not be a qualifying offense as defined in this  
32 subdivision. For the purposes of this paragraph, "harm to an identifi-  
33 able person or property" shall include but not be limited to theft of or  
34 damage to property. However, based upon a review of the facts alleged in  
35 the accusatory instrument, if the court determines that such theft is  
36 negligible and does not appear to be in furtherance of other criminal  
37 activity, the principal shall be released on his or her own recognizance  
38 or under appropriate non-monetary conditions; [~~or~~]

39 (xxi) criminal possession of a weapon in the third degree as defined  
40 in subdivision three of section 265.02 of the penal law or criminal sale  
41 of a firearm to a minor as defined in section 265.16 of the penal  
42 law[~~+~~]; or

43 (xxii) coordinated petit larceny as defined in section 155.27 of the  
44 penal law.

45 § 4. Paragraphs (t) and (u) of subdivision 4 of section 530.40 of the  
46 criminal procedure law, paragraph (t) as amended and paragraph (u) as  
47 added by section 4 of subpart B of part UU of chapter 56 of the laws of  
48 2022, are amended and a new paragraph (v) is added to read as follows:

49 (t) any felony or class A misdemeanor involving harm to an identifi-  
50 able person or property, or any charge of criminal possession of a  
51 firearm as defined in section 265.01-b of the penal law, where such  
52 charge arose from conduct occurring while the defendant was released on  
53 his or her own recognizance, released under conditions, or had yet to be  
54 arraigned after the issuance of a desk appearance ticket for a separate  
55 felony or class A misdemeanor involving harm to an identifiable person  
56 or property, or any charge of criminal possession of a firearm as

1 defined in section 265.01-b of the penal law, provided, however, that  
2 the prosecutor must show reasonable cause to believe that the defendant  
3 committed the instant crime and any underlying crime. For the purposes  
4 of this subparagraph, any of the underlying crimes need not be a quali-  
5 fying offense as defined in this subdivision. For the purposes of this  
6 paragraph, "harm to an identifiable person or property" shall include  
7 but not be limited to theft of or damage to property. However, based  
8 upon a review of the facts alleged in the accusatory instrument, if the  
9 court determines that such theft is negligible and does not appear to be  
10 in furtherance of other criminal activity, the principal shall be  
11 released on his or her own recognizance or under appropriate non-mone-  
12 tary conditions; [~~ex~~]

13 (u) criminal possession of a weapon in the third degree as defined in  
14 subdivision three of section 265.02 of the penal law or criminal sale of  
15 a firearm to a minor as defined in section 265.16 of the penal law[~~r~~];  
16 or

17 (v) coordinated petit larceny as defined in section 155.27 of the  
18 penal law.

19 § 5. The executive law is amended by adding a new section 837-y to  
20 read as follows:

21 § 837-y. Larceny public awareness campaign. 1. The division shall  
22 produce a public awareness campaign on larceny. Such campaign shall  
23 include, but not be limited to, informing the public on coordinated  
24 petit larceny as defined in section 155.27 of the penal law.

25 2. The public awareness campaign produced under subdivision one of  
26 this section shall run for at least one year and shall begin within one  
27 year of the effective date of this section.

28 § 6. This act shall take effect immediately; provided, however,  
29 sections one, two, three, and four of this act shall take effect on the  
30 ninetieth day after they shall have become a law; and provided further,  
31 however, that section five of this act shall expire and be deemed  
32 repealed two years after it shall have become a law.