

# STATE OF NEW YORK

6586

2023-2024 Regular Sessions

## IN SENATE

April 27, 2023

Introduced by Sen. ORTT -- 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 burglary in the second degree

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

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

6 § 140.25 Burglary in the second degree.

7 A person is guilty of burglary in the second degree when he or she  
8 knowingly enters or remains unlawfully in [~~a building~~] or upon a prem-  
9 ises with intent to commit a crime therein, and when:

10 1. In effecting entry onto the premises or while in [~~the~~] a building  
11 or in immediate flight therefrom, he or she or another participant in  
12 the crime:

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

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

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

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

19 2. The premises is a building that is a dwelling; or

20 3. The premises is real property used as a farm operation as defined  
21 in subdivision eleven of section three hundred one of the agriculture  
22 and markets law.

23 Burglary in the second degree is a class C felony.

24 § 2. This act shall take effect immediately.

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

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