STATE OF NEW YORK

8530

IN SENATE

February 8, 2024

Introduced by Sen. LANZA -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the penal law and the criminal procedure law, in relation to establishing the crime of aggravated grand larceny

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 155.32 to read as follows:

§ 155.32 Aggravated grand larceny.

A person is guilty of aggravated grand larceny when he or she commits the crime of grand larceny in the fourth degree in violation of subdivision eight of section 155.30 of this article and has been convicted within the previous five years of grand larceny in the fourth degree in violation of subdivision eight of section 155.30 of this article.

Aggravated grand larceny is a class D felony.

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

(t) any felony or class A misdemeanor involving harm to an identifiable person or property, or any charge of criminal possession of a firearm as defined in section 265.01-b of the penal law, where such charge arose from conduct occurring while the defendant was released on his or her own recognizance, released under conditions, or had yet to be arraigned after the issuance of a desk appearance ticket for a separate felony or class A misdemeanor involving harm to an identifiable person or property, or any charge of criminal possession of a firearm as defined in section 265.01-b of the penal law, provided, however, that the prosecutor must show reasonable cause to believe that the defendant committed the instant crime and any underlying crime. For the purposes of this subparagraph, any of the underlying crimes need not be a qualifying offense as defined in this subdivision. For the purposes of this paragraph, "harm to an identifiable person or property" shall include

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

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but not be limited to theft of or damage to property. However, based upon a review of the facts alleged in the accusatory instrument, if the court determines that such theft is negligible and does not appear to be in furtherance of other criminal activity, the principal shall be released on his or her own recognizance or under appropriate non-monetary conditions; [~~or~~]

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

(v) grand larceny in the fourth degree as defined in subdivision eight of section 155.30 of the penal law where such charge arose from conduct occurring while the defendant was released on his or her own recognizance, released under conditions, or had yet to be arraigned after the issuance of a desk appearance ticket for the crime of grand larceny in the fourth degree as defined in subdivision eight of section 155.30 of the penal law; or

(w) aggravated grand larceny as defined in section 155.32 of the penal law.

§ 3. Subparagraph (xv) of paragraph (b) of subdivision 1 of section 530.20 of the criminal procedure law, as amended by section 3 of part UU of chapter 56 of the laws of 2020, is amended to read as follows:

(xv) grand larceny in the first degree as defined in section 155.42 of the penal law, **grand larceny in the fourth degree as defined in subdivision eight of section 155.30 of the penal law, aggravated grand larceny as defined in section 155.32 of the penal law,** enterprise corruption as defined in section 460.20 of the penal law, or money laundering in the first degree as defined in section 470.20 of the penal law;

§ 4. Paragraph (o) of subdivision 4 of section 530.40 of the criminal procedure law, as added by section 4 of part UU of chapter 56 of the laws of 2020, is amended to read as follows:

(o) grand larceny in the first degree as defined in section 155.42 of the penal law, **grand larceny in the fourth degree as defined in subdivision eight of section 155.30 of the penal law, aggravated grand larceny as defined in section 155.32 of the penal law,** enterprise corruption as defined in section 460.20 of the penal law, or money laundering in the first degree as defined in section 470.20 of the penal law;

§ 5. Paragraph (d) of subdivision 1 of section 722.23 of the criminal procedure law, as added by section 1-a of part WWW of chapter 59 of the laws of 2017, is amended to read as follows:

(d) The court shall deny the motion to prevent removal of the action in youth part unless the court makes a determination upon such motion by the district attorney that [~~extraordinary~~] **one or more** circumstances exist that should prevent the transfer of the action to family court**, including, but not limited to, where the defendant is charged with grand larceny in the fourth degree as defined in subdivision eight of section 155.30 of the penal law or aggravated grand larceny as defined in section 155.32 of the penal law**.

§ 6. This act shall take effect immediately.