

# STATE OF NEW YORK

3239

2023-2024 Regular Sessions

## IN SENATE

January 30, 2023

Introduced by Sens. SEPULVEDA, RIVERA, SALAZAR -- 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 criminal mischief in the third degree and criminal mischief 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 145.05 of the penal law, as amended by chapter 276  
2 of the laws of 2003, is amended to read as follows:

3 § 145.05 Criminal mischief in the third degree.

4 A person is guilty of criminal mischief in the third degree when, with  
5 intent to damage property of another person, and having no right to do  
6 so nor any reasonable ground to believe that he or she has such right,  
7 he or she:

8 1. damages the motor vehicle of another person, by breaking into such  
9 vehicle when it is locked with the intent of stealing property, and  
10 within the previous ten year period, has been convicted three or more  
11 times, in separate criminal transactions for which sentence was imposed  
12 on separate occasions, of criminal mischief in the fourth degree as  
13 defined in section 145.00, criminal mischief in the third degree as  
14 defined in this section, criminal mischief in the second degree as  
15 defined in section 145.10, or criminal mischief in the first degree as  
16 defined in section 145.12 of this article; or

17 2. damages property of another person in an amount exceeding [~~two~~  
18 ~~hundred-fifty~~] one thousand dollars.

19 Criminal mischief in the third degree is a class E felony.

20 § 2. Section 145.10 of the penal law, as amended by chapter 961 of the  
21 laws of 1971, is amended to read as follows:

22 § 145.10 Criminal mischief in the second degree.

23 A person is guilty of criminal mischief in the second degree when with  
24 intent to damage property of another person, and having no right to do  
25 so nor any reasonable ground to believe that he has such right, he

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

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1 damages property of another person in an amount exceeding [~~one~~] three  
2 thousand [~~five hundred~~] dollars.  
3 Criminal mischief in the second degree is a class D felony.  
4 § 3. This act shall take effect on the first of November next succeed-  
5 ing the date on which it shall have become a law.