STATE OF NEW YORK

4855

2025-2026 Regular Sessions

IN ASSEMBLY

February 6, 2025

Introduced by M. of A. CUNNINGHAM -- Multi-Sponsored by -- M. of A. BERGER, CHANG, KIM, MAHER -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to the theft of benefits contained on an electronic benefit transfer card

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

Section 1. Section 155.35 of the penal law, as amended by section 5 of part O of chapter 56 of the laws of 2024, subdivision 2 as separately amended by and subdivision 3 as added by section 2 of part FF of chapter 55 of the laws of 2024 is amended to read as follows:

§ 155.35 Grand larceny in the third degree.

A person is guilty of grand larceny in the third degree when such person steals property and:

1. when the value of the property exceeds three thousand dollars, or

2. the property is an automated teller machine or the contents of an automated teller machine, or

3. the property consists of retail goods or merchandise stolen pursuant to a common scheme or plan or a single, ongoing intent to deprive another or others of the property or to appropriate the property to the actor or another person and the value of the property exceeds three thousand dollars, which value may be determined by the aggregate value of all such property regardless of whether the goods or merchandise were stolen from the same owner. Nothing in this subdivision shall be read to limit the ability to aggregate the value of any property or the ability to charge the larceny of retail goods or merchandise under another applicable provision of law[~~.~~]**, or**

[~~3.~~] **4.** when such person commits deed theft of one commercial real property, regardless of the value[~~.~~]**, or**

5. the property consists of any benefits on an electronic benefit transfer card, regardless of value.

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

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

§ 2. Section 80.00 of the penal law is amended by adding a new subdivision 8 to read as follows:

8. Notwithstanding any inconsistent provision of subdivisions one and three of this section, the court shall impose a fine for a violation of subdivision five of section 155.35 of this chapter in the amount of ten thousand dollars; and for each subsequent violation in the amount of fifteen thousand dollars.

§ 3. This act shall take effect immediately.