STATE OF NEW YORK

7640

2025-2026 Regular Sessions

IN SENATE

April 24, 2025

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, in relation to providing penalties for arson and enhancing penalties for criminal mischief against motor vehicle dealerships and manufacturing facilities

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

Section 1. Subdivision 1 of section 150.00 of the penal law, as amended by chapter 225 of the laws of 1979, is amended and two new subdivisions 3 and 4 are added to read as follows:

1. "Building", in addition to its ordinary meaning, includes any structure, vehicle or watercraft used for overnight lodging of persons, or used by persons for carrying on business therein**, or any motor vehicle dealership or motor vehicle manufacturing facility**. Where a building consists of two or more units separately secured or occupied, each unit shall not be deemed a separate building.

3. "Motor vehicle dealership", a building and/or lot where motor vehicles are kept for sale or for lease and may be serviced or repairs may be conducted as an accessory use to the main function of selling or leasing motor vehicles.

4. "Motor vehicle manufacturing facility", a factory where motor vehicles are manufactured.

§ 2. The penal law is amended by adding a new section 145.11 to read as follows:

§ 145.11 Criminal mischief against motor vehicle dealerships and manufacturing facilities.

1. For the purposes of this section:

(a) "Motor vehicle dealership" shall mean a building and/or lot where motor vehicles are kept for sale or for lease and may be serviced or repairs may be conducted an accessory use to the main function of selling or leasing motor vehicles.

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

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(b) "Motor vehicle manufacturing facility" shall mean a factory where motor vehicles are manufactured.

2. When a person is convicted of criminal mischief pursuant to this article, and the specified offense is against a motor vehicle dealership or motor vehicle manufacturing facility, the offense shall be deemed to be one category higher than the specified offense level applicable to the defendant's conviction.

3. Notwithstanding any other provision of law to the contrary:

(a) a person convicted of criminal mischief in the fourth degree pursuant to section 145.00 of this article, and the property which was damaged is a motor vehicle dealership or manufacturing facility, such offense shall be a class B misdemeanor;

(b) a person convicted of criminal mischief in the third degree pursuant to section 145.05 of this article, and the property which was damaged is a motor vehicle dealership or manufacturing facility, such offense shall be a class D felony;

(c) a person convicted of criminal mischief in the second degree pursuant to section 145.10 of this article, and the property which was damaged is a motor vehicle dealership or manufacturing facility, such offense shall be a class C felony; and

(d) a person convicted of criminal mischief in the first degree pursuant to section 145.12 of this article, and the property which was damaged is a motor vehicle dealership or manufacturing facility, such offense shall be a class A felony.

§ 3. This act shall take effect immediately.