

STATE OF NEW YORK

3405

2025-2026 Regular Sessions

IN ASSEMBLY

January 27, 2025

Introduced by M. of A. VANEL -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to establishing the crime of package theft in the fourth, third, second and first degrees

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

1 Section 1. The penal law is amended by adding six new sections 165.75,
2 165.76, 165.77, 165.78, 165.79 and 165.80 to read as follows:

3 § 165.75 Package theft in the fourth degree.

4 A person is guilty of package theft in the fourth degree when such
5 person knowingly takes a package or packages which contain one or more
6 items intended for another person with intent to benefit himself or a
7 person other than the intended recipient of such package or packages and
8 the combined value of the item or items within such package or packages
9 or the replacement cost of such item or items exceeds one dollar.

10 Package theft in the fourth degree is a class A misdemeanor.

11 § 165.76 Package theft in the third degree.

12 A person is guilty of package theft in the third degree when such
13 person knowingly takes a package or packages which contain one or more
14 items intended for another person with intent to benefit himself or a
15 person other than the intended recipient of such package or packages
16 and:

17 1. the combined value of the property within such package or packages
18 or the replacement cost of such property exceeds twenty-five dollars;

19 2. two or more packages are taken; or

20 3. a person has previously been convicted of package theft under
21 section 165.75 of this article.

22 Package theft in the third degree is a class E felony.

23 § 165.77 Package theft in the second degree.

24 A person is guilty of package theft in the second degree when such
25 person knowingly takes a package or packages which contain one or more

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

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1 items intended for another person with intent to benefit themselves or a
2 person other than the intended recipient and such package or packages
3 contain medicine, a medical device or devices, or parts of a medical
4 device or devices which were prescribed to the intended recipient, a
5 person within the intended recipient's household, or a person within the
6 intended recipient's family or care.

7 Package theft in the second degree is a class D felony.

8 § 165.78 Package theft in the first degree.

9 1. A person is guilty of package theft in the first degree when such
10 person knowingly takes a package or packages which contain one or more
11 items intended for another person with intent to benefit themselves or a
12 person other than the intended recipient and:

13 (a) such package or packages contain medicine, a medical device or
14 devices or parts of a medical device or devices which were prescribed to
15 the intended recipient, a person within the intended recipient's house-
16 hold, or a person within the intended recipient's family or care;

17 (b) the outside area of such package or packages clearly bear words,
18 markings, or symbols indicating that such package or packages contain
19 medicine, a medical device or devices or parts of a medical device or
20 devices; and

21 (c) the intended recipient, a person within the intended recipient's
22 household, or a person within the intended recipient's family or care
23 suffers a serious adverse health condition as a result of their inability
24 to access such medication, medical device or medical devices, or
25 parts of a medical device or devices.

26 2. For purposes of this section, the term "serious adverse health
27 condition" shall mean any condition suffered by a person which:

28 (a) substantially prolongs such person's potential or existing health
29 condition;

30 (b) causes such person to lose a limb or organ;

31 (c) causes such person to permanently or for a prolonged period of
32 time lose or have limited a bodily function;

33 (d) severely degrades such person's quality of life for a prolonged
34 period of time;

35 (e) shortens the length of such person's life;

36 (f) causes incapacitation of such person; or

37 (g) causes the death of such person.

38 Package theft in the first degree is a class B felony.

39 § 165.79 Package theft; no defense.

40 1. In any prosecution for package theft in the fourth, third, and
41 second degree, it is not a defense that:

42 (a) the person who took the package was unaware of the contents within
43 the package or packages; or

44 (b) the person who took the package abandoned, destroyed, or otherwise
45 relinquished possession of the package to a third party other than the
46 intended recipient after it was taken.

47 2. In addition to the defenses provided in subdivision one of this
48 section in any prosecution for package theft in the first degree, it is
49 not a defense that:

50 (a) the person who took the package did not intend to cause or foresee
51 the serious adverse health condition of the intended recipient;

52 (b) the person who took the package believed that the intended recipi-
53 ent would not suffer a serious adverse health condition as a result of
54 the theft;

55 (c) the person who took the package did not see the words, markings,
56 or symbols indicating that the package contained prescription medicine,

1 a medical device or devices or parts of a medical device or devices as a
2 result of the words, markings, or symbols being blocked or covered as a
3 result of the package's position or orientation; or

4 (d) the person who took the package intended only to temporarily
5 possess or use the contents of the package, without intending to perma-
6 nently deprive the owner of it.

7 § 165.80 Package theft; defenses.

8 1. Notwithstanding any other defenses provided for in law, in any
9 prosecution for package theft in the fourth, third, and second degree,
10 it shall be a defense that:

11 (a) the person who took the package genuinely believed the package was
12 theirs or intended for them;

13 (b) the person who took the package genuinely believed that they were
14 authorized or had the consent of the owner to take the package; or

15 (c) there was a genuine dispute over the ownership of the contents of
16 the package.

17 2. In addition to the defense provided in subdivision one of this
18 section, in any prosecution for package theft in the first degree, it
19 shall be a defense that the words, markings, or symbols indicating that
20 the package contained prescription medicine, a medical device or devices
21 or parts of a medical device or devices was obscured as a result of
22 damage to the package or the improper placement of shipping materials
23 completely obscuring the words, markings, or symbols done by the mail
24 carrier or the manufacturer or distributor of the medicine, medical
25 device or devices or parts of the medical device or devices.

26 § 2. This act shall take effect on the first of November next succeed-
27 ing the date on which it shall have become a law.