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KINGSTON, N. Y.

August 27, 1964

Hon. Isidore Dollinger
District Attorney of Bronx County
851 Grand Concourse
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Dear Is:

My assignment has been Article 160 of the proposed New York Penal Law (Larceny).

A review of the proposed changes indicates small change in the basic structure of the subject but several substantive changes, as indicated below:

Article 160.00 Larceny: Definitions of Terms

The significant change is that the proposed new section includes real property (subdivision 1), which will make it the subject of a theft when read together with subdivision 2 (obtain).

Section 160.05 : Larceny Defined

"2(c) By committing the crime of issuing a bad check, as defined in section 195.05".

This section would appear to be redundant in view of the fact that it would be covered under larceny by false pretenses.

(d) By false promise

This subdivision extends the crime from misrepresentation of an "existing fact" to false representations of future actions or fraudulent promises.

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Section 160.20 Larceny : Pleading & Proof

Eliminates the problem of inserting "false representations" in the indictment when proceeding under this theory of larceny.

Subdivision 2 presents a question as to what "supporting proof" must be alleged in the indictment.

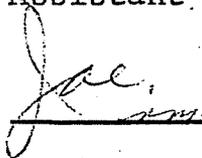
Section 160.30 - 35 - 40 - 45

Creates four standards or degrees of Larceny and raises the monetary values as to the degrees.

The proposed new law is silent on the auto theft or the commonly referred to "Joy Riding" section where intent is not a necessary element.

With kindest personal regards,

Joseph P. Torraca
Assistant District Attorney



JPT/rm