



NEW YORK STATE SENATOR

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Senate Passes Bill to Increase Penalties for Robberies WITH Fake Explosives

DEAN G. SKELOS March 19, 2012

The New York State Senate today passed legislation that would increase penalties for criminals who attempt robberies with devices appearing to be bombs or explosives. The bill (S. 720A), which was developed in collaboration with law enforcement, is sponsored by Senator Joe Robach. It would elevate the criminal charge from third degree to first or second degree robbery.

“It doesn’t make any sense that there are stronger penalties when a criminal robs someone with a fake gun than with a fake bomb,” said Senator Robach. “This bill recognizes that inequity and equalizes the charge and punishment.”

Under current law, if a person attempts a robbery by putting his hand in a pocket and pretending to have a gun, or by using a toy gun, he is charged with first or second degree robbery. However, if a person attempts a robbery and threatens to use a bomb or explosives, he can only charged with third degree robbery. Since the use of a bomb or explosives is as serious and dangerous, or perhaps more so, this law would make the penalties for those

offenses equal.

Robberies in the first and second degrees are considered violent crimes, while robbery in the third degree is not. The degree of robbery directly relates to the potential punishment.

Robbery in the first and second degrees require jail time, whereas robbery in the third degree has no mandatory minimum jail time.

The bill has been sent to the Assembly.