S T A T E O F N E W Y O R K

3740

2013-2014 Regular Sessions

I N S E N A T E

February 13, 2013

Introduced by Sen. ADDABBO -- 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 including falsely soliciting for property within the crime of scheme to defraud in the second degree

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Section 190.60 of the penal law, as amended by chapter 491 of the laws of 1992 and subdivision 1 as amended by chapter 357 of the laws of 1996, is amended to read as follows:

S 190.60 Scheme to defraud in the second degree.

1. A person is guilty of a scheme to defraud in the second degree when he OR SHE: (A) engages in a scheme constituting a systematic ongoing course of conduct with intent to defraud more than one person or to obtain property from more than one person by false or fraudulent pretenses, representations or promises, and so obtains property from one or more of such persons; OR (B) FALSELY SOLICITS DONATIONS, GIFTS OR ANY OTHER PROPERTY FROM A PERSON BY MISREPRESENTING HIS OR HER RELATIONSHIP OR CONNECTION WITH AN ORGANIZATION, GOVERNMENTAL ENTITY OR AGENCY, WHETHER OR NOT HE OR SHE OBTAINS PROPERTY FROM SUCH PERSON.

2. In any prosecution under PARAGRAPH (A) OF SUBDIVISION ONE OF this section, it shall be necessary to prove the identity of at least one person from whom the defendant so obtained property, but it shall not be necessary to prove the identity of any other intended victim.

Scheme to defraud in the second degree is a class A misdemeanor.

S 2. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.

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

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