

STATE OF NEW YORK

4613

2017-2018 Regular Sessions

IN SENATE

February 22, 2017

Introduced by Sen. HELMING -- 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 scheme to defraud in the first degree and scheme to defraud in the second degree

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

1 Section 1. Section 190.65 of the penal law, as amended by chapter 291
2 of the laws of 2008, is amended to read as follows:

3 § 190.65 Scheme to defraud in the first degree.

4 1. A person is guilty of a scheme to defraud in the first degree when
5 he or she: (a) engages in a scheme constituting a systematic ongoing
6 course of conduct with intent to defraud ten or more persons or to
7 obtain property from ten or more persons by false or fraudulent
8 pretenses, representations or promises, and so obtains property from one
9 or more of such persons; or (b) engages in a scheme constituting a
10 systematic ongoing course of conduct with intent to defraud more than
11 one person or to obtain property from more than one person by false or
12 fraudulent pretenses, representations or promises, and so obtains prop-
13 erty with a value in excess of one thousand dollars from one or more
14 such persons; or (c) engages in a scheme constituting a systematic ongo-
15 ing course of conduct with intent to defraud more than one person, more
16 than one of whom is a vulnerable elderly person [~~as defined in subdivi-~~
17 ~~sion three of section 260.30 of this chapter~~] or to obtain property from
18 more than one person, more than one of whom is a vulnerable elderly
19 person [~~as defined in subdivision three of section 260.30 of this chap-~~
20 ~~ter~~], by false or fraudulent pretenses, representations or promises, and
21 so obtains property from one or more such persons.

22 2. In any prosecution under this section, it shall be necessary to
23 prove the identity of at least one person from whom the defendant so
24 obtained property, but it shall not be necessary to prove the identity
25 of any other intended victim, provided that in any prosecution under

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

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1 paragraph (c) of subdivision one of this section, it shall be necessary
2 to prove the identity of at least one such vulnerable elderly person [~~as~~
3 ~~defined in subdivision three of section 260.30 of this chapter~~].

4 Scheme to defraud in the first degree is a class [~~E~~] D felony.

5 § 2. Section 190.60 of the penal law, as amended by chapter 491 of the
6 laws of 1992, subdivision 1 as amended by chapter 357 of the laws of
7 1996, is amended to read as follows:

8 § 190.60 Scheme to defraud in the second degree.

9 1. A person is guilty of a scheme to defraud in the second degree when
10 he engages in a scheme constituting a systematic ongoing course of
11 conduct with intent to defraud more than one person or to obtain proper-
12 ty from more than one person by false or fraudulent pretenses, represen-
13 tations or promises, and so obtains property from one or more of such
14 persons.

15 2. In any prosecution under this section, it shall be necessary to
16 prove the identity of at least one person from whom the defendant so
17 obtained property, but it shall not be necessary to prove the identity
18 of any other intended victim.

19 Scheme to defraud in the second degree is a class [~~A-misdemeanor~~] E
20 felony.

21 § 3. This act shall take effect on the first of November next succeed-
22 ing the date on which it shall have become a law.