

STATE OF NEW YORK

10390

IN ASSEMBLY

May 4, 2020

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

AN ACT to amend the penal law, in relation to establishing the crime of coronavirus related fraud

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

Section 1. The penal law is amended by adding a new section 190.91 to read as follows:

§ 190.91 Coronavirus related fraud.

A person is guilty of coronavirus related fraud when he or she knowingly commits or attempts to commit any crime under this title or title J of this part and the acts taken to commit or attempt to commit such crime related to the coronavirus.

Coronavirus related fraud is a class A misdemeanor.

§ 2. Section 70.25 of the penal law is amended by adding a new subdivision 2-h to read as follows:

2-h. Whenever a person is convicted of coronavirus related fraud as defined in section 190.91 of this chapter, the sentence imposed by the court for such offense shall be ordered to run consecutively to any sentence imposed upon conviction of an offense defined in title K or title J of this chapter arising from the same criminal transaction.

§ 3. The penal law is amended by adding a new section 80.20 to read as follows:

§ 80.20 Special fines.

Notwithstanding this article, whenever a person is convicted of coronavirus related fraud as defined in section 190.91 of this chapter, the sentence to pay a fine shall be a sentence to pay an amount, fixed by the court, not exceeding the higher of:

1. double the highest fine the court could impose for any of the convictions under this article for any crimes under title K or title J of this chapter arising from the same criminal transaction as the coronavirus related fraud; or

2. the highest fine the court could impose for any of the convictions under this article.

§ 4. 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 (underscoring) is new; matter in brackets [-] is old law to be omitted.

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