

# STATE OF NEW YORK

4947--B

Cal. No. 160

2021-2022 Regular Sessions

## IN ASSEMBLY

February 9, 2021

Introduced by M. of A. BICHOTTE HERMELYN, REYES, GRIFFIN, MEEKS, COLTON, ZINERMAN, SIMON, FRONTUS, SAYEGH, J. A. GIGLIO, GONZALEZ-ROJAS -- read once and referred to the Committee on Codes -- ordered to a third reading, amended and ordered reprinted, retaining its place on the order of third reading -- again amended on third reading, ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the penal law, in relation to crimes involving the death or injury of a worker

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

1 Section 1. Short title. This act shall be known and may be cited as  
2 "Carlos' law".

3 § 2. Paragraph (c) of subdivision 2 of section 20.20 of the penal law,  
4 as amended by chapter 671 of the laws of 1986, is amended to read as  
5 follows:

6 (c) The conduct constituting the offense is engaged in by an agent of  
7 the corporation while acting within the scope of his employment and in  
8 behalf of the corporation, and the offense is (i) a misdemeanor or a  
9 violation, (ii) one defined by a statute which clearly indicates a  
10 legislative intent to impose such criminal liability on a corporation,  
11 ~~[or]~~ (iii) any offense set forth in title twenty-seven of article seven-  
12 ty-one of the environmental conservation law, or (iv) is in relation to  
13 a crime involving the death or injury of a worker.

14 § 3. Subdivision 5 of section 60.27 of the penal law is amended by  
15 adding a new paragraph (c) to read as follows:

16 (c) If a corporation is found guilty of an offense involving the death  
17 or injury of a worker in violation of paragraph (a), (b), or (c) of  
18 subdivision two of section 20.20 of this chapter, the court may order  
19 restitution or reparation in excess of the amounts specified in para-  
20 graphs (a) and (b) of this subdivision.

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

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1     § 4. Paragraphs (a) and (b) of subdivision 1 of section 80.10 of the  
2 penal law, as amended by section 28 of subpart A of part H of chapter 55  
3 of the laws of 2014, are amended to read as follows:

4     (a) Ten thousand dollars, when the conviction is of a felony;  
5 provided, however, that when the conviction is pursuant to paragraph  
6 (a), (b), or (c) of subdivision two of section 20.20 of this chapter,  
7 such fine shall be fixed by the court and shall not be less than five  
8 hundred thousand dollars nor more than one million dollars;

9     (b) Five thousand dollars, when the conviction is of a class A misde-  
10 meanor or of an unclassified misdemeanor for which a term of imprison-  
11 ment in excess of three months is authorized; provided, however, that  
12 when the conviction is pursuant to paragraph (a), (b), or (c) of subdivi-  
13 vision two of section 20.20 of this chapter, such fine shall be fixed by  
14 the court and shall not be less than three hundred thousand dollars nor  
15 more than five hundred thousand dollars;

16     § 5. This act shall take effect on the thirtieth day after it shall  
17 have become a law.