STATE OF NEW YORK

3992

2025-2026 Regular Sessions

IN ASSEMBLY

January 30, 2025

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

AN ACT to amend the penal law, in relation to criminal liability of corporations whose negligence, recklessness, or intentional or knowing acts cause the death or physical injury of a person on an unmarked worksite

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

Section 1. Subdivision 1 of section 20.20 of the penal law is amended by adding a new paragraph (c) to read as follows:

(c) "Unmarked worksite" means a site where a corporation or agent thereof is engaged in the construction, renovation, or demolition of a building or portion thereof, and where such corporation or agent has not caused adequate signage to be posted to notify persons of such construction, renovation, or demolition.

§ 2. Paragraph (c) of subdivision 2 of section 20.20 of the penal law, as amended by chapter 61 of the laws of 2023, is amended to read as follows:

(c) The conduct constituting the offense is engaged in by an agent of the corporation while acting within the scope of [~~his~~] **such agent's** employment and on behalf of the corporation, and the offense is (i) a misdemeanor or a violation, (ii) one defined by a statute which clearly indicates a legislative intent to impose such criminal liability on a corporation, (iii) any offense set forth in title twenty-seven of article seventy-one of the environmental conservation law, [~~or~~] (iv) [~~is~~] in relation to a crime involving the death or serious physical injury of an employee where the corporation acted negligently, recklessly, intentionally, or knowingly**, or (v) in relation to a crime involving the death or serious physical injury of a person on an unmarked worksite where the corporation acted negligently, recklessly, intentionally, or knowingly**.

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

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§ 3. Paragraph (c) of subdivision 5 of section 60.27 of the penal law, as amended by chapter 61 of the laws of 2023, is amended to read as follows:

(c) If a corporation is found guilty of an offense involving the death or serious physical injury of an employee**, or of a person on an unmarked worksite,** in violation of subparagraph (iv) **or (v)** of paragraph (c) of subdivision two of section 20.20 of this chapter, the court may order restitution or reparation in excess of the amounts specified in paragraphs (a) and (b) of this subdivision.

§ 4. Paragraphs (a) and (b) of subdivision 1 of section 80.10 of the penal law, as amended by chapter 61 of the laws of 2023, are amended to read as follows:

(a) Ten thousand dollars, when the conviction is of a felony; provided, however, that when the conviction is pursuant to subparagraph (iv) **or (v)** of paragraph (c) of subdivision two of section 20.20 of this chapter, such fine shall be fixed by the court and shall be no more than five hundred thousand dollars;

(b) Five thousand dollars, when the conviction is of a class A misdemeanor or of an unclassified misdemeanor for which a term of imprisonment in excess of three months is authorized; provided, however, that when the conviction is pursuant to subparagraph (iv) **or (v)** of paragraph (c) of subdivision two of section 20.20 of this chapter, such fine shall be fixed by the court and shall be no more than three hundred thousand dollars;

§ 5. This act shall take effect on the first of January next succeeding the date on which it shall have become a law.