

STATE OF NEW YORK

8594--A

2025-2026 Regular Sessions

IN SENATE

December 1, 2025

Introduced by Sens. MYRIE, COMRIE, FAHY, KRUEGER, PARKER, SKOUFIS -- read twice and ordered printed, and when printed to be committed to the Committee on Rules -- recommitted to the Committee on Codes in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the penal law, the criminal procedure law, the general business law, the labor law, the legislative law, the public officers law, the state finance law and the tax law, in relation to enacting the "restoring integrity and preventing outright fraud in financial systems" or "R.I.P.O.F.F. act"

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

1 Section 1. This act shall be known and may be cited as the "restoring
2 integrity and preventing outright fraud in financial systems" or
3 "R.I.P.O.F.F. act".
4 § 2. Section 190.60 of the penal law, as amended by chapter 491 of the
5 laws of 1992 and subdivision 1 as amended by chapter 357 of the laws of
6 1996, is amended to read as follows:
7 § 190.60 Scheme to defraud in the [~~second~~] fifth degree.
8 1. A person is guilty of a scheme to defraud in the [~~second~~] fifth
9 degree when [~~he~~] such person engages in a scheme constituting a system-
10 atic ongoing course of conduct with intent to defraud more than one
11 person or to obtain property from more than one person by false or frau-
12 dulent pretenses, representations or promises, and so obtains property
13 from one or more of such persons.
14 2. In any prosecution under this section, it shall be necessary to
15 prove the identity of at least one person from whom the defendant so
16 obtained property, but it shall not be necessary to prove the identity
17 of any other intended victim.

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

LBD13585-06-5

1 Scheme to defraud in the [~~second~~] fifth degree is a class A misdemea-
2 nor.

3 § 3. Section 190.65 of the penal law, as amended by chapter 332 of the
4 laws of 2020, is amended to read as follows:

5 § 190.65 Scheme to defraud in the [~~first~~] fourth degree.

6 1. A person is guilty of a scheme to defraud in the [~~first~~] fourth
7 degree when [~~he or she~~] such person: (a) engages in a scheme constitut-
8 ing a systematic ongoing course of conduct with intent to defraud ten or
9 more persons or to obtain property from ten or more persons by false or
10 fraudulent pretenses, representations or promises, and so obtains prop-
11 erty from one or more of such persons; or (b) engages in a scheme
12 constituting a systematic ongoing course of conduct with intent to
13 defraud more than one person or to obtain property from more than one
14 person by false or fraudulent pretenses, representations or promises,
15 and so obtains property with a value in excess of one thousand dollars
16 from one or more such persons; or (c) engages in a scheme constituting a
17 systematic ongoing course of conduct with intent to defraud more than
18 one person, more than one of whom is a vulnerable elderly person as
19 defined in subdivision three of section 260.31 of this chapter or to
20 obtain property from more than one person, more than one of whom is a
21 vulnerable elderly person as defined in subdivision three of section
22 260.31 of this chapter, by false or fraudulent pretenses, representa-
23 tions or promises, and so obtains property from one or more such
24 persons; or (d) engages in a systematic ongoing course of conduct, with
25 intent to defraud more than one person by false or fraudulent pretenses,
26 representations or promises, by disposing of solid waste as defined in
27 section 27-0701 of the environmental conservation law on such persons'
28 property, and so damages the property of one or more of such persons in
29 an amount in excess of one thousand dollars.

30 2. In any prosecution under this section, it shall be necessary to
31 prove the identity of at least one person from whom the defendant so
32 obtained property, but it shall not be necessary to prove the identity
33 of any other intended victim, provided that in any prosecution under
34 paragraph (c) of subdivision one of this section, it shall be necessary
35 to prove the identity of at least one such vulnerable elderly person as
36 defined in subdivision three of section 260.31 of this chapter.

37 3. In any prosecution under paragraph (d) of subdivision one of this
38 section, it shall be necessary to prove the identity of at least one
39 person on whose property the defendant fraudulently disposed of solid
40 waste pursuant to such paragraph (d), but it shall not be necessary to
41 prove the identity of any other victim or intended victim.

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

43 § 4. The penal law is amended by adding three new sections 190.66,
44 190.67, and 190.68 to read as follows:

45 § 190.66 Scheme to defraud in the third degree.

46 1. A person is guilty of a scheme to defraud in the third degree when
47 such person: (a) engages in a scheme constituting a systematic ongoing
48 course of conduct with intent to defraud twenty-five or more persons or
49 to obtain property from twenty-five or more persons by false or fraudu-
50 lent pretenses, representations or promises, and so obtains property
51 from one or more of such persons; or (b) engages in a scheme constitut-
52 ing a systematic ongoing course of conduct with intent to defraud more
53 than one person or to obtain property from more than one person by false
54 or fraudulent pretenses, representations or promises, and so obtains
55 property with a value in excess of three thousand dollars from one or
56 more such persons; or (c) engages in a scheme constituting a systematic

1 ongoing course of conduct with intent to defraud more than one person,
2 more than one of whom is a vulnerable elderly person as defined in
3 subdivision three of section 260.31 of this chapter or to obtain proper-
4 ty from more than one person, more than one of whom is a vulnerable
5 elderly person as defined in subdivision three of section 260.31 of this
6 chapter, by false or fraudulent pretenses, representations or promises,
7 and so obtains property with a value in excess of one thousand dollars
8 from one or more such persons.

9 2. In any prosecution under this section, it shall be necessary to
10 prove the identity of at least one person from whom the defendant so
11 obtained property, but it shall not be necessary to prove the identity
12 of any other intended victim, provided that in any prosecution under
13 paragraph (c) of subdivision one of this section, it shall be necessary
14 to prove the identity of at least one such vulnerable elderly person as
15 defined in subdivision three of section 260.31 of this chapter.

16 Scheme to defraud in the third degree is a class D felony.

17 § 190.67 Scheme to defraud in the second degree.

18 1. A person is guilty of a scheme to defraud in the second degree when
19 such person: (a) engages in a scheme constituting a systematic ongoing
20 course of conduct with intent to defraud one hundred or more persons or
21 to obtain property from one hundred or more persons by false or fraudu-
22 lent pretenses, representations or promises, and so obtains property
23 from one or more of such persons; (b) engages in a scheme constituting a
24 systematic ongoing course of conduct with intent to defraud more than
25 one person or to obtain property from more than one person by false or
26 fraudulent pretenses, representations or promises, and so obtains prop-
27 erty with a value in excess of fifty thousand dollars from one or more
28 such persons; or (c) engages in a scheme constituting a systematic ongo-
29 ing course of conduct with intent to defraud more than one person, more
30 than one of whom is a vulnerable elderly person as defined in subdivi-
31 sion three of section 260.31 of this chapter or to obtain property from
32 more than one person, more than one of whom is a vulnerable elderly
33 person as defined in subdivision three of section 260.31 of this chap-
34 ter, by false or fraudulent pretenses, representations or promises, and
35 so obtains property with a value in excess of three thousand dollars
36 from one or more such persons.

37 2. In any prosecution under this section, it shall be necessary to
38 prove the identity of at least one person from whom the defendant so
39 obtained property, but it shall not be necessary to prove the identity
40 of any other intended victim, provided that in any prosecution under
41 paragraph (c) of subdivision one of this section, it shall be necessary
42 to prove the identity of at least one such vulnerable elderly person as
43 defined in subdivision three of section 260.31 of this chapter.

44 Scheme to defraud in the second degree is a class C felony.

45 § 190.68 Scheme to defraud in the first degree.

46 1. A person is guilty of a scheme to defraud in the first degree when
47 such person: (a) engages in a scheme constituting a systematic ongoing
48 course of conduct with intent to defraud one thousand or more persons or
49 to obtain property from one thousand or more persons by false or fraudu-
50 lent pretenses, representations or promises, and so obtains property
51 from one or more of such persons; (b) engages in a scheme constituting a
52 systematic ongoing course of conduct with intent to defraud more than
53 one person or to obtain property from more than one person by false or
54 fraudulent pretenses, representations or promises, and so obtains prop-
55 erty with a value in excess of one million dollars from one or more such
56 persons; or (c) engages in a scheme constituting a systematic ongoing

1 course of conduct with intent to defraud more than one person, more than
2 one of whom is a vulnerable elderly person as defined in subdivision
3 three of section 260.31 of this chapter or to obtain property from more
4 than one person, more than one of whom is a vulnerable elderly person as
5 defined in subdivision three of section 260.31 of this chapter, by false
6 or fraudulent pretenses, representations or promises, and so obtains
7 property with a value in excess of fifty thousand dollars from one or
8 more such persons.

9 2. In any prosecution under this section, it shall be necessary to
10 prove the identity of at least one person from whom the defendant so
11 obtained property, but it shall not be necessary to prove the identity
12 of any other intended victim, provided that in any prosecution under
13 paragraph (c) of subdivision one of this section, it shall be necessary
14 to prove the identity of at least one such vulnerable elderly person as
15 defined in subdivision three of section 260.31 of this chapter.

16 Scheme to defraud in the first degree is a class B felony.

17 § 5. Section 200.00 of the penal law, as amended by chapter 833 of the
18 laws of 1986, is amended to read as follows:

19 § 200.00 Bribery in the third degree.

20 A person is guilty of bribery in the third degree when [~~he~~] such
21 person confers, or offers or agrees to confer, any benefit upon a public
22 servant [~~upon an agreement or understanding that~~] with the intent to
23 influence such public servant's vote, opinion, judgment, action, deci-
24 sion or exercise of discretion as a public servant [~~will thereby be~~
25 ~~influenced~~].

26 Bribery in the third degree is a class D felony.

27 § 6. Section 200.03 of the penal law, as amended by section 18 of
28 subpart A of part H of chapter 55 of the laws of 2014, is amended to
29 read as follows:

30 § 200.03 Bribery in the second degree.

31 A person is guilty of bribery in the second degree when [~~he~~] such
32 person confers, or offers or agrees to confer, any benefit valued in
33 excess of five thousand dollars upon a public servant [~~upon an agreement~~
34 ~~or understanding that~~] with the intent to influence such public serv-
35 ant's vote, opinion, judgment, action, decision or exercise of
36 discretion as a public servant [~~will thereby be influenced~~].

37 Bribery in the second degree is a class C felony.

38 § 7. Section 200.04 of the penal law, as amended by section 19 of
39 subpart A of part H of chapter 55 of the laws of 2014, is amended to
40 read as follows:

41 § 200.04 Bribery in the first degree.

42 A person is guilty of bribery in the first degree when [~~the~~] such
43 person confers, or offers or agrees to confer: (1) any benefit upon a
44 public servant [~~upon an agreement or understanding that~~] with the intent
45 to influence such public servant's vote, opinion, judgment, action,
46 decision or exercise of discretion as a public servant [~~will thereby be~~
47 ~~influenced~~] in the investigation, arrest, detention, prosecution or
48 incarceration of any person for the commission or alleged commission of
49 a class A felony defined in article two hundred twenty of this part or
50 an attempt to commit any such class A felony; or (2) any benefit valued
51 in excess of one hundred thousand dollars upon a public servant [~~upon an~~
52 ~~agreement or understanding that~~] with the intent to influence such
53 public servant's vote, opinion, judgment, action, decision or exercise
54 of discretion as a public servant [~~will thereby be influenced~~].

55 Bribery in the first degree is a class B felony.

1 § 8. Section 200.10 of the penal law, as amended by section 21 of
2 subpart A of part H of chapter 55 of the laws of 2014, is amended to
3 read as follows:

4 § 200.10 Bribe receiving in the third degree.

5 A public servant is guilty of bribe receiving in the third degree when
6 ~~[he or she]~~ such public servant solicits, accepts or agrees to accept
7 any benefit from another person ~~[upon an agreement or understanding that~~
8 ~~his or her]~~ with the intent to influence such public servant's vote,
9 opinion, judgment, action, decision or exercise of discretion as a
10 public servant will thereby be influenced.

11 Bribe receiving in the third degree is a class D felony.

12 § 9. Section 200.11 of the penal law, as amended by section 22 of
13 subpart A of part H of chapter 55 of the laws of 2014, is amended to
14 read as follows:

15 § 200.11 Bribe receiving in the second degree.

16 A public servant is guilty of bribe receiving in the second degree
17 when ~~[he or she]~~ such public servant solicits, accepts or agrees to
18 accept any benefit valued in excess of five thousand dollars from another
19 person ~~[upon an agreement or understanding that his or her]~~ with the
20 intent to influence such public servant's vote, opinion, judgment,
21 action, decision or exercise of discretion as a public servant will
22 thereby be influenced.

23 Bribe receiving in the second degree is a class C felony.

24 § 10. Section 200.12 of the penal law, as amended by section 23 of
25 subpart A of part H of chapter 55 of the laws of 2014, is amended to
26 read as follows:

27 § 200.12 Bribe receiving in the first degree.

28 A public servant is guilty of bribe receiving in the first degree when
29 ~~[he or she]~~ such public servant solicits, accepts or agrees to accept:
30 (a) any benefit from another person ~~[upon an agreement or understanding~~
31 ~~that his or her]~~ with the intent to influence such public servant's
32 vote, opinion, judgment, action, decision or exercise of discretion as a
33 public servant will thereby be influenced in the investigation, arrest,
34 detention, prosecution or incarceration of any person for the commission
35 or alleged commission of a class A felony defined in article two hundred
36 twenty of this part or an attempt to commit any such class A felony; or
37 (b) any benefit valued in excess of one hundred thousand dollars from
38 another person ~~[upon an agreement or understanding that]~~ with the intent
39 to influence such public servant's vote, opinion, judgment, action,
40 decision or exercise of discretion as a public servant will thereby be
41 influenced.

42 Bribe receiving in the first degree is a class B felony.

43 § 11. Sections 180.03, 180.05 and 180.08 of the penal law, as amended
44 by chapter 577 of the laws of 1983, are amended to read as follows:

45 § 180.03 Commercial bribing in the first degree.

46 A person is guilty of commercial bribing in the first degree when ~~[he]~~
47 such person confers, or offers or agrees to confer, any benefit upon any
48 employee, agent or fiduciary without the consent of the latter's employ-
49 er or principal, with intent to influence ~~[his]~~ such person's conduct in
50 relation to ~~[his]~~ such person's employer's or principal's affairs, and
51 when the value of the benefit conferred or offered or agreed to be
52 conferred exceeds one thousand dollars ~~[and causes economic harm to the~~
53 ~~employer or principal in an amount exceeding two hundred fifty dollars].~~

54 Commercial bribing in the first degree is a class E felony.

55 § 180.05 Commercial bribe receiving in the second degree.

1 An employee, agent or fiduciary is guilty of commercial bribe receiving in the second degree when, without the consent of [~~his~~] such person's employer or principal, [~~he~~] such person solicits, accepts or agrees to accept any benefit from another person upon an agreement or understanding and with the intent that such benefit will influence [~~his~~] such person's conduct in relation to [~~his~~] their employer's or principal's affairs.

8 Commercial bribe receiving in the second degree is a class A misdemeanor.

10 § 180.08 Commercial bribe receiving in the first degree.

11 An employee, agent or fiduciary is guilty of commercial bribe receiving in the first degree when, without the consent of [~~his~~] such person's employer or principal, [~~he~~] such person solicits, accepts or agrees to accept any benefit from another person upon an agreement or understanding and with the intent that such benefit will influence [~~his~~] such person's conduct in relation to [~~his~~] their employer's or principal's affairs, and when the value of the benefit solicited, accepted or agreed to be accepted exceeds one thousand dollars [~~and causes economic harm to the employer or principal in an amount exceeding two hundred fifty dollars~~].

21 Commercial bribe receiving in the first degree is a class E felony.

22 § 12. Subdivision 10 of section 470.00 of the penal law is renumbered subdivision 11 and a new subdivision 10 is added to read as follows:

24 10. "Structuring" means, for the purposes of sections 470.30 and 470.31 of this article, when a person conducts or attempts to conduct one or more related transactions in currency, in any amount, with one or more financial institutions, on one or more days with the intent to evade any reporting requirement under the banking law, 31 U.S.C. §§ 5311 through 5326, or any regulation prescribed thereunder. Structuring includes, but is not limited to, the breaking down of a single sum of currency exceeding ten thousand dollars into smaller sums, including sums at or below ten thousand dollars, or the conducting of a transaction, or series of currency transactions, including transactions at or below ten thousand dollars.

35 § 13. The penal law is amended by adding two new sections 470.30 and 470.31 to read as follows:

37 § 470.30 Structuring in the second degree.

38 A person is guilty of structuring in the second degree when, with the intent to evade any reporting requirement under the banking law, 31 U.S.C. §§ 5311 through 5326, or any regulation prescribed thereunder, such person structures one or more transactions.

42 Structuring in the second degree is a class E felony.

43 § 470.31 Structuring in the first degree.

44 A person is guilty of structuring in the first degree when such person commits the crime of structuring in the second degree and:

46 1. the conduct is committed with an intent to commit another crime or to aid or conceal the commission of another crime; or

48 2. the aggregate value of the currency reported or the currency that should have been reported exceeds one hundred thousand dollars in any twelve-month period.

51 Structuring in the first degree is a class D felony.

52 § 14. Section 195.20 of the penal law, as amended by chapter 1 of the laws of 2010, is amended to read as follows:

54 § 195.20 Defrauding the government in the fourth degree.

55 A person is guilty of defrauding the government in the fourth degree when [~~, being a public servant or party officer, he or she~~] such person:

1 (a) engages in a scheme constituting a systematic ongoing course of
2 conduct with intent to:

3 (i) defraud the state or a political subdivision of the state or a
4 governmental instrumentality within the state or to obtain property,
5 services or other resources from the state or a political subdivision of
6 the state or a governmental instrumentality within the state by false or
7 fraudulent pretenses, representations or promises; [~~or~~]

8 (ii) defraud the state or a political subdivision of the state or a
9 governmental instrumentality within the state by making use of property,
10 services or resources of the state, political subdivision of the state
11 or a governmental instrumentality within the state for private business
12 purposes or other compensated non-governmental purposes; [~~and~~] or

13 (iii) defraud the state or a political subdivision of the state or a
14 public authority, public benefit corporation, or municipal corporation
15 of the state, or any instrumentality thereof, of one or more forms of
16 revenue, and so evades payment of any tax, insurance premium, contrib-
17 ution, or fee, or any portion thereof, owed to the state or a political
18 subdivision, public authority, public benefit corporation or municipal
19 corporation of the state or any instrumentality thereof; and

20 (b) (i) with respect to an offense charged under paragraph (i) or (ii)
21 of subdivision (a) of this section, so obtains property, services or
22 other resources with a value in excess of [~~one~~] ten thousand dollars
23 from such state, political subdivision or governmental instrumentality;
24 or

25 (ii) with respect to an offense charged under paragraph (iii) of
26 subdivision (a) of this section, the aggregate unpaid tax, premium,
27 contribution, or fee owed exceeds ten thousand dollars.

28 Defrauding the government in the fourth degree is a class E felony.

29 § 15. The penal law is amended by adding three new sections 195.22,
30 195.25 and 195.27 to read as follows:

31 § 195.22 Defrauding the government in the third degree.

32 A person is guilty of defrauding the government in the third degree
33 when such person:

34 (a) engages in a scheme constituting a systematic ongoing course of
35 conduct with intent to:

36 (i) defraud the state or a political subdivision of the state or a
37 governmental instrumentality within the state or to obtain property,
38 services or other resources from the state or a political subdivision of
39 the state or a governmental instrumentality within the state by false or
40 fraudulent pretenses, representations or promises;

41 (ii) defraud the state or a political subdivision of the state or a
42 governmental instrumentality within the state by making use of property,
43 services or resources of the state, political subdivision of the state
44 or a governmental instrumentality within the state for private business
45 purposes or other compensated non-governmental purposes; or

46 (iii) defraud the state or a political subdivision of the state or a
47 public authority, public benefit corporation, or municipal corporation
48 of the state, or any instrumentality thereof, of one or more forms of
49 revenue, and so evades payment of any tax, insurance premium, contrib-
50 ution, or fee, or any portion thereof, owed to the state or a political
51 subdivision, public authority, public benefit corporation or municipal
52 corporation of the state or any instrumentality thereof; and

53 (b) (i) with respect to an offense charged under paragraph (i) or (ii)
54 of subdivision (a) of this section, so obtains property, services or
55 other resources with a value in excess of seventy-five thousand dollars

1 from such state, political subdivision or governmental instrumentality;
2 or

3 (ii) with respect to an offense charged under paragraph (iii) of
4 subdivision (a) of this section, the aggregate unpaid tax, premium,
5 contribution, or fee owed exceeds seventy-five thousand dollars.

6 Defrauding the government in the third degree is a class D felony.
7 § 195.25 Defrauding the government in the second degree.

8 A person is guilty of defrauding the government in the second degree
9 when such person:

10 (a) engages in a scheme constituting a systematic ongoing course of
11 conduct with intent to:

12 (i) defraud the state or a political subdivision of the state or a
13 governmental instrumentality within the state or to obtain property,
14 services or other resources from the state or a political subdivision of
15 the state or a governmental instrumentality within the state by false or
16 fraudulent pretenses, representations or promises;

17 (ii) defraud the state or a political subdivision of the state or a
18 governmental instrumentality within the state by making use of property,
19 services or resources of the state, political subdivision of the state
20 or a governmental instrumentality within the state for private business
21 purposes or other compensated non-governmental purposes; or

22 (iii) defraud the state or a political subdivision of the state or a
23 public authority, public benefit corporation, or municipal corporation
24 of the state, or any instrumentality thereof, of one or more forms of
25 revenue, and so evades payment of any tax, insurance premium, contrib-
26 ution, or fee, or any portion thereof, owed to the state or a political
27 subdivision, public authority, public benefit corporation or municipal
28 corporation of the state or any instrumentality thereof; and

29 (b) (i) with respect to an offense charged under paragraph (i) or (ii)
30 of subdivision (a) of this section, so obtains property, services or
31 other resources with a value in excess of one hundred thousand dollars
32 from such state, political subdivision or governmental instrumentality;
33 or

34 (ii) with respect to an offense charged under paragraph (iii) of
35 subdivision (a) of this section, the aggregate unpaid tax, premium,
36 contribution, or fee owed exceeds one hundred thousand dollars.

37 Defrauding the government in the second degree is a class C felony.
38 § 195.27 Defrauding the government in the first degree.

39 A person is guilty of defrauding the government in the first degree
40 when such person:

41 (a) engages in a scheme constituting a systematic ongoing course of
42 conduct with intent to:

43 (i) defraud the state or a political subdivision of the state or a
44 governmental instrumentality within the state or to obtain property,
45 services or other resources from the state or a political subdivision of
46 the state or a governmental instrumentality within the state by false or
47 fraudulent pretenses, representations or promises;

48 (ii) defraud the state or a political subdivision of the state or a
49 governmental instrumentality within the state by making use of property,
50 services or resources of the state, political subdivision of the state
51 or a governmental instrumentality within the state for private business
52 purposes or other compensated non-governmental purposes; or

53 (iii) defraud the state or a political subdivision of the state or a
54 public authority, public benefit corporation, or municipal corporation
55 of the state, or any instrumentality thereof, of one or more forms of
56 revenue, and so evades payment of any tax, insurance premium, contrib-

1 ution, or fee, or any portion thereof, owed to the state or a political
2 subdivision, public authority, public benefit corporation or municipal
3 corporation of the state or any instrumentality thereof; and

4 (b) (i) with respect to an offense charged under paragraph (i) or (ii)
5 of subdivision (a) of this section, so obtains property, services or
6 other resources with a value in excess of two hundred fifty thousand
7 dollars from such state, political subdivision or governmental instru-
8 mentality; or

9 (ii) with respect to an offense charged under paragraph (iii) of
10 subdivision (a) of this section, the aggregate unpaid tax, premium,
11 contribution, or fee owed exceeds two hundred fifty thousand dollars.

12 Defrauding the government in the first degree is a class B felony.

13 § 16. Subdivision 2 of section 20.40 of the criminal procedure law is
14 amended by adding a new paragraph (f) to read as follows:

15 (f) The event caused a financial loss of more than one thousand
16 dollars to the state or a political subdivision thereof, including, but
17 not limited to, any agency or instrumentality of the state or any poli-
18 tical subdivision thereof.

19 § 17. Subdivision 1 of section 155.00 of the penal law, as amended by
20 chapter 353 of the laws of 2023, is amended and a new subdivision 17 is
21 added to read as follows:

22 1. "Property" means any money, compensation for labor or services,
23 personal property, real property, computer data, computer program, thing
24 in action, evidence of debt or contract, virtual currency as defined in
25 paragraph (p) of section 200.2 of title twenty-three of the New York
26 Codes, Rules and Regulations, or any article, substance or thing of
27 value, including any gas, steam, water or electricity, which is provided
28 for a charge or compensation.

29 17. "Virtual currency" means any type of digital unit that is used as
30 a medium of exchange or a form of digitally stored value. Virtual
31 currency shall be broadly construed to include digital units of exchange
32 that: (a) have a centralized repository or administrator; (b) are decen-
33 tralized and have no centralized repository or administrator; or (c) may
34 be created or obtained by computing or manufacturing effort. Virtual
35 currency shall not be construed to include: (a) digital units that: (i)
36 are used solely within online gaming platforms; (ii) have no market or
37 application outside of those gaming platforms; (iii) cannot be converted
38 into, or redeemed for, fiat currency or virtual currency; and (iv) may
39 or may not be redeemable for real-world goods, services, discounts, or
40 purchases; (b) digital units that can be redeemed for goods, services,
41 discounts, or purchases as part of a customer affinity or rewards
42 program with the issuer and/or other designated merchants or can be
43 redeemed for digital units in another customer affinity or rewards
44 program, but cannot be converted into, or redeemed for, fiat currency or
45 virtual currency; or (c) digital units used as part of prepaid cards.

46 § 18. Subdivision 1 of section 470.00 of the penal law, as amended by
47 chapter 489 of the laws of 2000, is amended to read as follows:

48 1. "Monetary instrument" means coin and currency of the United States
49 or of any other country; virtual currency as defined in section 155.00
50 of this chapter; personal checks; bank checks; traveler's checks; money
51 orders; and investment securities and negotiable instruments, in bearer
52 form or otherwise, in such form that title thereto passes on delivery,
53 except that "monetary instrument" shall not include payments to attor-
54 neys for legal services.

55 § 19. Subdivision 3 of section 470.00 of the penal law, as amended by
56 chapter 489 of the laws of 2000, is amended to read as follows:

1 3. (a) "Transaction" includes a payment, purchase, sale, loan, pledge,
2 gift, transfer, or delivery, and with respect to a financial institution
3 includes a deposit, withdrawal, transfer between accounts, exchange of
4 currency, loan, extension of credit, purchase or sale of any stock,
5 bond, certificate of deposit, or other monetary instrument, use of a
6 safe deposit box, or any other payment, transfer, or delivery by,
7 through, or to a financial institution, by whatever means effected,
8 except that "transaction" shall not include payments to attorneys for
9 legal services.

10 (b) With respect to virtual currency, "transaction" includes:

11 (i) receiving virtual currency or transmitting virtual currency;

12 (ii) the conversion or exchange of fiat currency or other value into
13 virtual currency;

14 (iii) the conversion or exchange of virtual currency into fiat curren-
15 cy or other value;

16 (iv) the conversion or exchange of one form of virtual currency into
17 another form of virtual currency;

18 (v) storing, holding, or maintaining custody or control of virtual
19 currency; and

20 (vi) controlling, administering, or issuing a virtual currency.

21 The development and dissemination of software in and of itself does
22 not constitute a virtual currency transaction.

23 § 20. Section 450.10 of the penal law is amended by adding a new
24 subdivision 12 to read as follows:

25 12. When fraudulent proceeds, as defined in paragraph (a) of this
26 subdivision, are in the custody or control of the court, a police offi-
27 cer, a peace officer, or a district attorney, or have been seized pursu-
28 ant to a search warrant and are held by a third party, no later than
29 ninety days after the seizure or recovery of such fraudulent proceeds, a
30 police officer, a peace officer, or a district attorney shall identify
31 to the court the owner or owners of such fraudulent proceeds as defined
32 in subdivision five of section 155.00 of this chapter, and any other
33 person who may have an interest therein, and give notice of said seizure
34 to such persons by certified or registered mail, or by other means,
35 including, but not limited to, electronic means, if sufficient and
36 appropriate under the circumstances.

37 (a) For the purposes of this subdivision, fraudulent proceeds means
38 any virtual currency, as defined in paragraph (p) of section 200.2 of
39 title 23 of the New York Codes, Rules and Regulations, that is (i)
40 obtained through the commission of a larceny or a fraudulent scheme or
41 transaction, (ii) traceable to property obtained through the commission
42 of a larceny or a fraudulent scheme or transaction, or (iii) obtained
43 through the sale or exchange of property obtained through the commission
44 of a larceny or a fraudulent scheme or transaction; and including any
45 appreciation in value of such property.

46 (b) Upon identifying to the court the owner or owners of such fraudu-
47 lent proceeds and any other person who may have an interest therein, a
48 police officer, a peace officer, or a district attorney may petition the
49 court to order that such fraudulent proceeds be returned to its owner or
50 owners.

51 (c) Any person asserting a claim to such fraudulent proceeds, other
52 than the owner or owners identified in the petition referenced above,
53 must file a written request for a hearing within sixty days from when
54 notice was provided. Upon such a written request, the court shall
55 promptly, but not less than two weeks after such a request is made, hold
56 a hearing.

1 (d) If no request for a hearing is made, the court may hold a hearing
2 before ordering that the fraudulent proceeds be returned to its owner
3 or owners.

4 (e) At such a hearing, the court shall hear evidence, make findings
5 of fact, enter conclusions of law, and issue a final order from which
6 the parties shall have a right of appeal. The district attorney shall
7 have the initial burden of proving by clear and convincing evidence
8 that the subject property is fraudulent proceeds and the identity of
9 the owner or owners. On that showing, the burden shall shift to the
10 claimant to prove by clear and convincing evidence that they did not
11 know and could not have reasonably known that such property was being
12 used or was intended to be used in, or was derived from, criminal activ-
13 ity. Upon a showing of clear and convincing evidence of ownership of
14 the fraudulent proceeds, the court shall order such fraudulent proceeds
15 be returned to its owner as soon as reasonably practicable.

16 (f) The release of property pursuant to this section does not require
17 an accusatory instrument be filed against a criminal defendant.

18 § 21. Paragraph (a) of subdivision 8 of section 190.30 of the criminal
19 procedure law, as added by chapter 279 of the laws of 2008, is amended
20 to read as follows:

21 (a) A business record as defined in rule forty-five hundred eighteen
22 of the civil practice law and rules generated by a business entity may
23 be received in such grand jury proceedings as evidence [~~of the following~~
24 ~~facts and similar facts stated therein:~~

25 ~~(i) a person's use of, subscription to and charges and payments for~~
26 ~~communication equipment and services including but not limited to equip-~~
27 ~~ment or services provided by telephone companies and internet service~~
28 ~~providers, but not including recorded conversations or images communi-~~
29 ~~cated thereby; and~~

30 ~~(ii) financial transactions, and a person's ownership or possessory~~
31 ~~interest in any account, at a bank, insurance company, brokerage,~~
32 ~~exchange or banking organization as defined in section two of the bank-~~
33 ~~ing law].~~

34 § 22. Paragraph (c) of subdivision 8 of section 190.30 of the criminal
35 procedure law, as added by chapter 279 of the laws of 2008, is amended
36 to read as follows:

37 (c) Any business record offered to a grand jury pursuant to paragraph
38 (a) of this subdivision that includes material [~~beyond that described in~~
39 ~~such paragraph (a)] outside the scope of the business record as regular-
40 ly generated shall be redacted to exclude such additional material, or
41 received subject to a limiting instruction that the grand jury shall not
42 consider such additional material in support of any criminal charge.~~

43 § 23. Section 190.30 of the criminal procedure law is amended by
44 adding a new subdivision 9 to read as follows:

45 9. A record generated by an electronic process, computer, cryptograph-
46 ically secured technology, or system, that procures an accurate result
47 may be received in such grand jury proceedings as evidence if it is
48 accompanied by a written declaration of a qualified person, made under
49 oath, stating the qualification of the person to make the certification,
50 the date and time the record was generated, and that the record was
51 maintained as a regular conducted process.

52 § 24. Section 80.10 of the penal law is amended by adding a new subdi-
53 vision 4 to read as follows:

54 4. Corporate equity fines. (a) Notwithstanding any other provision of
55 this section, in any criminal proceeding where a corporation doing busi-
56 ness in New York state with annual revenues exceeding one hundred

1 million dollars is convicted of a felony offense under the laws of this
2 state, the court, in addition to or in lieu of any other penalty author-
3 ized by law, may impose an equity fine. An equity fine shall consist of
4 a judicially determined percentage of the corporation's equity, which
5 shall be issued as new, non-voting shares to a state-managed fund or a
6 designated victim compensation fund.

7 (b) The court may determine the percentage of the equity fine based
8 upon the severity of the offense, the extent of the harm caused, the
9 corporation's history of similar misconduct, the degree of complicity by
10 senior management, and the need for both specific and general deter-
11 rence. The percentage shall be sufficient to impose a meaningful econom-
12 ic sanction on the corporation and its shareholders. The court may
13 consider, but shall not be limited to, the following factors in deter-
14 mining such percentage:

15 (i) The total pecuniary gain to the corporation from the offense;

16 (ii) The total pecuniary loss caused by the offense to victims;

17 (iii) The market capitalization of the corporation at the time of
18 sentencing;

19 (iv) The effectiveness of the corporation's internal compliance
20 programs at the time of the offense; and

21 (v) Any remedial actions taken by the corporation, including cooper-
22 ation with the prosecution and restitution to victims.

23 (c) The convicted corporation shall be required to issue new, non-vot-
24 ing shares equal to the determined percentage of its total equity. These
25 shares shall be registered and transferred to a fund established by the
26 New York state comptroller or a specific victim compensation fund as
27 designated by the court. The shares shall be held by the state until
28 such time as their sale would maximize public benefit or victim compen-
29 sation, as determined by the administering entity, but in no event shall
30 the state or its designated fund exercise any voting rights associated
31 with such shares.

32 (d) The shares issued as an equity fine shall be explicitly designated
33 as non-voting shares.

34 (e) This subdivision shall not apply to closely held corporations
35 where the imposition of an equity fine would disproportionately penalize
36 a small number of individual owners who may also be directly subject to
37 criminal prosecution. The court shall have discretion to determine
38 whether a corporation is closely held for the purposes of this
39 exemption.

40 § 25. The penal law is amended by adding a new section 155.50 to read
41 as follows:

42 § 155.50 Sentencing.

43 When a person is convicted of an offense pursuant to this article, or
44 is convicted of an attempt or conspiracy to commit an offense under this
45 article, and the victim is aged sixty-five years or older and the
46 defendant is more than ten years younger than the victim, the crime
47 shall be deemed to be one category higher than the specified offense the
48 defendant committed, or one category higher than the offense level
49 applicable to the defendant's conviction for an attempt or conspiracy to
50 commit a specified offense, whichever is applicable.

51 § 26. Subdivision 2 of section 496.06 of the penal law, as added by
52 section 14 of subpart A of part H of chapter 55 of the laws of 2014, is
53 amended to read as follows:

54 2. A "specified offense" is an offense defined by any of the following
55 provisions of this chapter: section 155.25 (petit larceny); section
56 155.30 (grand larceny in the fourth degree); section 155.35 (grand

1 larceny in the third degree); section 155.40 (grand larceny in the
2 second degree); section 155.42 (grand larceny in the first degree);
3 section 190.60 (scheme to defraud in the [~~second~~ fifth degree); [~~or~~]
4 section 190.65 (scheme to defraud in the [~~first~~ fourth degree); section
5 190.66 (scheme to defraud in the third degree); section 190.67 (scheme
6 to defraud in the second degree); or section 190.68 (scheme to defraud
7 in the first degree).

8 § 27. Paragraph (a) of subdivision 1 of section 460.10 of the penal
9 law, as amended by chapter 134 of the laws of 2019, is amended to read
10 as follows:

11 (a) Any of the felonies set forth in this chapter: sections 120.05,
12 120.10 and 120.11 relating to assault; sections 121.12 and 121.13 relat-
13 ing to strangulation; sections 125.10 to 125.27 relating to homicide;
14 sections 130.25, 130.30 and 130.35 relating to rape; sections 135.20 and
15 135.25 relating to kidnapping; sections 135.35 and 135.37 relating to
16 labor trafficking; section 135.65 relating to coercion; sections 140.20,
17 140.25 and 140.30 relating to burglary; sections 145.05, 145.10 and
18 145.12 relating to criminal mischief; article one hundred fifty relating
19 to arson; sections 155.30, 155.35, 155.40 and 155.42 relating to grand
20 larceny; sections 177.10, 177.15, 177.20 and 177.25 relating to health
21 care fraud; article one hundred sixty relating to robbery; sections
22 165.45, 165.50, 165.52 and 165.54 relating to criminal possession of
23 stolen property; sections 165.72 and 165.73 relating to trademark coun-
24 terfeiting; sections 170.10, 170.15, 170.25, 170.30, 170.40, 170.65 and
25 170.70 relating to forgery; sections 175.10, 175.25, 175.35, 175.40 and
26 210.40 relating to false statements; sections 176.15, 176.20, 176.25 and
27 176.30 relating to insurance fraud; sections 178.20 and 178.25 relating
28 to criminal diversion of prescription medications and prescriptions;
29 sections 180.03, 180.08, 180.15, 180.25, 180.40, 180.45, 200.00, 200.03,
30 200.04, 200.10, 200.11, 200.12, 200.20, 200.22, 200.25, 200.27, 200.56,
31 215.00, 215.05 and 215.19 relating to bribery; sections 187.10, 187.15,
32 187.20 and 187.25 relating to residential mortgage fraud, sections
33 190.40 and 190.42 relating to criminal usury; [~~section~~ sections 190.60,
34 190.65, 190.66, 190.67 and 190.68 relating to schemes to defraud; any
35 felony defined in article four hundred ninety-six; sections 205.60 and
36 205.65 relating to hindering prosecution; sections 210.10, 210.15, and
37 215.51 relating to perjury and contempt; section 215.40 relating to
38 tampering with physical evidence; sections 220.06, 220.09, 220.16,
39 220.18, 220.21, 220.31, 220.34, 220.39, 220.41, 220.43, 220.46, 220.55,
40 220.60, 220.65 and 220.77 relating to controlled substances; sections
41 225.10 and 225.20 relating to gambling; sections 230.25, 230.30, and
42 230.32 relating to promoting prostitution; section 230.34 relating to
43 sex trafficking; section 230.34-a relating to sex trafficking of a
44 child; sections 235.06, 235.07, 235.21 and 235.22 relating to obscenity;
45 sections 263.10 and 263.15 relating to promoting a sexual performance by
46 a child; sections 265.02, 265.03, 265.04, 265.11, 265.12, 265.13 and the
47 provisions of section 265.10 which constitute a felony relating to
48 firearms and other dangerous weapons; sections 265.14 and 265.16 relat-
49 ing to criminal sale of a firearm; section 265.50 relating to the crimi-
50 nal manufacture, sale or transport of an undetectable firearm, rifle or
51 shotgun; section 275.10, 275.20, 275.30, or 275.40 relating to unauthor-
52 ized recordings; sections 470.30 and 470.31 relating to structuring; and
53 sections 470.05, 470.10, 470.15 and 470.20 relating to money laundering;
54 or

1 § 28. Paragraph f of subdivision 1 of section 410 of the general busi-
2 ness law, as amended by chapter 189 of the laws of 2018, is amended to
3 read as follows:

4 f. Conviction of any of the following crimes subsequent to the issu-
5 ance of a license or registration pursuant to this article: fraud pursu-
6 ant to sections 170.10, 170.15, 176.15, 176.20, 176.25, 176.30 [~~and~~];
7 schemes to defraud pursuant to sections 190.60, 190.65, 190.66, 190.67
8 and 190.68; falsifying business records pursuant to section 175.10;
9 structuring pursuant to sections 470.30 and 470.31; grand larceny pursu-
10 ant to article 155; bribery pursuant to sections 180.03, 180.08, 180.15,
11 180.25, 200.00, 200.03, 200.04, 200.10, 200.11, 200.12, 200.45, 200.50;
12 perjury pursuant to sections 210.10, 210.15, 210.40; assault pursuant to
13 sections 120.05, 120.10, 120.11, 120.12; robbery pursuant to article
14 160; homicide pursuant to sections 125.25 and 125.27; manslaughter
15 pursuant to sections 125.15 and 125.20; kidnapping and unlawful impri-
16 sonment pursuant to sections 135.10, 135.20 and 135.25; unlawful weapons
17 possession pursuant to sections 265.02, 265.03 and 265.04; criminal use
18 of a weapon pursuant to sections 265.08 and 265.09; criminal sale of a
19 weapon pursuant to sections 265.11 and 265.12; compelling prostitution
20 pursuant to section 230.33; sex trafficking pursuant to section 230.34;
21 sex trafficking of a child pursuant to section 230.34-a; and sex
22 offenses pursuant to article 130 of the penal law. Provided, however,
23 that for the purposes of this article, none of the following shall be
24 considered criminal convictions or reported as such: (i) a conviction
25 for which an executive pardon has been issued pursuant to the executive
26 law; (ii) a conviction which has been vacated and replaced by a youthful
27 offender finding pursuant to article seven hundred twenty of the crimi-
28 nal procedure law, or the applicable provisions of law of any other
29 jurisdiction; or (iii) a conviction the records of which have been
30 expunged or sealed pursuant to the applicable provisions of the laws of
31 this state or of any other jurisdiction; and (iv) a conviction for which
32 other evidence of successful rehabilitation to remove the disability has
33 been issued.

34 § 29. Clause (ii) of subparagraph 2 of paragraph b of subdivision 3 of
35 section 220-b of the labor law, as amended by chapter 7 of the laws of
36 2008, is amended to read as follows:

37 (ii) coercion in the first degree as defined in section 135.65 of the
38 penal law, grand larceny in the fourth degree as defined in section
39 155.30 of the penal law, grand larceny in the third degree as defined in
40 section 155.35 of the penal law, grand larceny in the second degree as
41 defined in section 155.40 of the penal law, grand larceny in the first
42 degree as defined in section 155.42 of the penal law, forgery in the
43 second degree as defined in section 170.10 of the penal law, forgery in
44 the first degree as defined in section 170.15 of the penal law, criminal
45 possession of a forged instrument in the second degree as defined in
46 section 170.25 of the penal law, criminal possession of a forged instru-
47 ment in the first degree as defined in section 170.30 of the penal law,
48 criminal possession of forgery devices as defined in section 170.40 of
49 the penal law, falsifying business records in the first degree as
50 defined in section 175.10 of the penal law, tampering with public
51 records in the first degree as defined in section 175.25 of the penal
52 law, offering a false instrument for filing in the first degree as
53 defined in section 175.35 of the penal law, issuing a false certificate
54 as defined in section 175.40 of the penal law, insurance fraud in the
55 fourth degree as defined in section 176.15 of the penal law, insurance
56 fraud in the third degree as defined in section 176.20 of the penal law,

1 insurance fraud in the second degree as defined in section 176.25 of the
2 penal law, insurance fraud in the first degree as defined in section
3 176.30 of the penal law, aggravated insurance fraud as defined in
4 section 176.35 of the penal law, commercial bribing in the first degree
5 as defined in section 180.03 of the penal law, commercial bribe receiv-
6 ing in the first degree as defined in section 180.08 of the penal law,
7 bribing a labor official as defined in section 180.15 of the penal law,
8 bribe receiving by a labor official as defined in section 180.25 of the
9 penal law, criminal impersonation in the second degree as defined in
10 section 190.25 of the penal law, criminal impersonation in the first
11 degree as defined in section 190.26 of the penal law, criminal usury in
12 the second degree as defined in section 190.40 of the penal law, crimi-
13 nal usury in the first degree as defined in section 190.42 of the penal
14 law, scheme to defraud in the fifth degree as defined in section 190.60
15 of the penal law, scheme to defraud in the fourth degree as defined in
16 section 190.65 of the penal law, scheme to defraud in the third degree
17 as defined in section 190.66 of the penal law, scheme to defraud in the
18 [~~first~~] second degree as defined in section [~~190.65~~] 190.67 of the penal
19 law, scheme to defraud in the first degree as defined in section 190.68
20 of the penal law, bribery in the third degree as defined in section
21 200.00 of the penal law, bribery in the second degree as defined in
22 section 200.03 of the penal law, bribery in the first degree as defined
23 in section 200.04 of the penal law, bribe receiving in the third degree
24 as defined in section 200.10 of the penal law, bribe receiving in the
25 second degree as defined in section 200.11 of the penal law, bribe
26 receiving in the first degree as defined in section 200.12 of the penal
27 law, rewarding official misconduct in the second degree as defined in
28 section 200.20 of the penal law, rewarding official misconduct in the
29 first degree as defined in section 200.22 of the penal law, bribe giving
30 for public office as defined in section 200.45 of the penal law, struc-
31 turing in the second degree as defined in section 470.30 of the penal
32 law, structuring in the first degree as defined in section 470.31 of the
33 penal law, or the attempted commission of any of the offenses set forth
34 in this [~~paragraph~~] clause, provided that such offense constitutes a
35 felony; or

36 § 30. Paragraphs (i) and (ii) of subdivision (a) of section 1-c of the
37 legislative law, as added by section 29 of subpart A of part H of chap-
38 ter 55 of the laws of 2014, are amended to read as follows:

39 (i) Any individual who stands convicted of a felony defined in article
40 two hundred or four hundred ninety-six or section 195.20, 195.22,
41 195.25, or 195.27 of the penal law may not be retained, employed or
42 designated by any client to engage in lobbying for compensation.

43 (ii) Any individual who stands convicted of a misdemeanor defined in
44 article two hundred, article four hundred ninety-six, section 195.00 or
45 an attempt to commit a violation of section 195.20, 195.22, 195.25, or
46 195.27 of the penal law may not be retained, employed or designated by
47 any client to engage in lobbying for compensation for a period of five
48 years from the date of conviction, provided that in the event such
49 conviction is the result of a plea agreement resulting in a plea to such
50 charge in lieu of a plea or conviction of a felony defined in section
51 195.20, 195.22, 195.25, or 195.27, article two hundred or article four
52 hundred ninety-six of the penal law, all parties to such agreement may
53 agree that the period of such bar may be for a period of up to ten years
54 from the date of conviction.

1 § 31. Subdivision 1-a of section 3 of the public officers law, as
2 added by section 31-b of subpart A of part H of chapter 55 of the laws
3 of 2014, is amended to read as follows:

4 1-a. (i) No person shall be capable of holding a civil office who
5 shall stand convicted of a felony defined in article two hundred or four
6 hundred ninety-six or section 195.20, 195.22, 195.25, or 195.27 of the
7 penal law.

8 (ii) Any individual who stands convicted of a misdemeanor defined in
9 article two hundred, article four hundred ninety-six or section 195.00
10 of the penal law may not hold civil office for a period of five years
11 from the date of conviction, provided that in the event such conviction
12 is the result of a plea agreement resulting in a plea to such charge in
13 lieu of a plea or conviction of a felony defined in section 195.20,
14 195.22, 195.25, or 195.27, article two hundred or article four hundred
15 ninety-six of the penal law, all parties to such agreement may agree
16 that the period of such bar may be for a period of up to ten years from
17 the date of conviction.

18 § 32. The opening paragraph and paragraph (i) of subdivision (b) of
19 section 139-a of the state finance law, as amended by section 30 of
20 subpart A of part H of chapter 55 of the laws of 2014, are amended to
21 read as follows:

22 upon the conviction of any person of a crime defined in article two
23 hundred or four hundred ninety-six or section 195.20, 195.22, 195.25, or
24 195.27 of the penal law,

25 (i) such person, and any firm, partnership or corporation of which [~~he~~
26 ~~is~~] they are a member, partner, director or officer shall be disquali-
27 fied from thereafter selling to or submitting bids to or receiving
28 awards from or entering into any contracts with the state or any public
29 department, agency or official thereof, for goods, work or services, for
30 a period of five years after such refusal, a period of five years upon a
31 conviction of a misdemeanor defined in article two hundred or article
32 four hundred ninety-six or an attempt to commit a violation of section
33 195.20, 195.22, 195.25, or 195.27 of the penal law, provided that in the
34 event such conviction is the result of a plea agreement resulting in a
35 plea to such charge in lieu of a plea or conviction of a felony defined
36 in section 195.20, 195.22, 195.25, or 195.27, article two hundred or
37 article four hundred ninety-six of the penal law, all parties to such
38 agreement may agree that the period of such bar may be for a period of
39 up to ten years from the date of conviction, or upon conviction of a
40 felony defined in article two hundred or four hundred ninety-six or
41 section 195.20, 195.22, 195.25, or 195.27 of the penal law, for life,
42 any convicted firm, partnership or corporation is disqualified for its
43 existence and to provide also that

44 § 33. Subdivision 2 of section 139-b of the state finance law, as
45 added by section 31 of subpart A of part H of chapter 55 of the laws of
46 2014, is amended to read as follows:

47 2. Any person who stands convicted of a felony defined in article two
48 hundred or four hundred ninety-six or section 195.20, 195.22, 195.25, or
49 195.27 of the penal law, and any firm, partnership or corporation that
50 stands convicted of such crime shall be disqualified from thereafter
51 selling to or submitting bids to or receiving awards from or entering
52 into any contracts with the state or any public department, agency or
53 official thereof, for goods, work or services. In the event a person or
54 firm, partnership or corporation is so convicted, the office responsible
55 for prosecuting such offense shall send notice of such conviction to the
56 state commissioner of general services, and to the office of the state

1 comptroller and such appropriate departments, agencies and officials of
2 the state, political subdivisions thereof or public authorities with
3 whom the person or the firm, partnership or corporation is known to have
4 a contract.

5 § 34. Subdivision 1-a of section 139-c of the state finance law, as
6 added by section 31-a of subpart A of part H of chapter 55 of the laws
7 of 2014, is amended to read as follows:

8 1-a. Any firm, partnership, or corporation which has become subject to
9 the cancellation or termination of a contract or disqualification to
10 contract on account of conviction of a crime defined in article two
11 hundred or four hundred ninety-six or section 195.20, 195.22, 195.25, or
12 195.27 of the penal law, as provided in sections one hundred thirty-
13 nine-a and one hundred thirty-nine-b of this article, may, upon thirty
14 days' notice to the district attorney who conducted the action that led
15 to the conviction, and the office of the state comptroller commence a
16 special proceeding at a special term of the supreme court held within
17 the judicial district in which the conviction was obtained for an order
18 discontinuing such disqualification. The petition shall set forth the
19 grounds, including that the firm, partnership, or corporation has taken
20 sufficient actions to remove from responsibility officers and employees
21 who engaged in the actions that formed the basis of the conviction, that
22 the firm, partnership, or corporation has taken appropriate and suffi-
23 cient actions to ensure that the actions that formed the basis of the
24 conviction are unlikely to recur, and that it will not be in the public
25 interest to cancel or terminate petitioner's contracts or to continue
26 the disqualification, as provided in sections one hundred thirty-nine-a
27 and one hundred thirty-nine-b of this article; provided further, at any
28 time after such cancellation or disqualification any such firm, partner-
29 ship or corporation may apply to the supreme court, upon notice as
30 provided herein for an immediate termination of disqualification upon a
31 reversal of the conviction upon which the debarment was imposed.

32 § 35. Section 41 of the tax law, as added by section 36 of subpart A
33 of part H of chapter 55 of the laws of 2014, is amended to read as
34 follows:

35 § 41. Limitations on tax credit eligibility. Any taxpayer who stands
36 convicted, or who is a shareholder of an S corporation or partner in a
37 partnership which is convicted, of an offense defined in article two
38 hundred or four hundred ninety-six or section 195.20, 195.22, 195.25, or
39 195.27 of the penal law shall not be eligible for any tax credit allowed
40 under article nine, nine-A, thirty-two or thirty-three of this chapter
41 or any business tax credit allowed under article twenty-two of this
42 chapter. For purposes of this section, a business tax credit allowed
43 under article twenty-two of this chapter is a tax credit allowed to
44 taxpayers under article twenty-two which is substantially similar to a
45 tax credit allowed to taxpayers under article nine-A of this chapter. In
46 the event a person or firm, partnership or corporation is convicted of
47 an offense defined in article two hundred or four hundred ninety-six or
48 section 195.00 of the penal law, the office responsible for prosecuting
49 such offense shall send notice of such conviction, together with the
50 names of any firm, partnership or corporation of which the person is
51 known to be a member, partner, officer or director, to the commissioner.

52 § 36. This act shall take effect immediately.