

# STATE OF NEW YORK

8594--B

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 -- 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 "securing consumer assets against malfeasance" or "S.C.A.M. 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 "securing  
2 consumer assets against malfeasance" or "S.C.A.M. act".  
3 § 2. Section 190.60 of the penal law, as amended by chapter 491 of the  
4 laws of 1992 and subdivision 1 as amended by chapter 357 of the laws of  
5 1996, is amended to read as follows:  
6 § 190.60 Scheme to defraud in the [~~second~~] fifth degree.  
7 1. A person is guilty of a scheme to defraud in the [~~second~~] fifth  
8 degree when [~~he~~] such person engages in a scheme constituting a system-  
9 atic ongoing course of conduct with intent to defraud more than one  
10 person or to obtain property from more than one person by false or frau-  
11 dulent pretenses, representations or promises, and so obtains property  
12 from one or more of such persons.  
13 2. In any prosecution under this section, it shall be necessary to  
14 prove the identity of at least one person from whom the defendant so  
15 obtained property, but it shall not be necessary to prove the identity  
16 of any other intended victim.  
17 Scheme to defraud in the [~~second~~] fifth degree is a class A misdemea-  
18 nor.

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

LBD13585-07-6

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

3 § 190.65 Scheme to defraud in the [~~first~~] fourth degree.

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

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

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

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

41 § 4. The penal law is amended by adding three new sections 190.66,  
42 190.67, and 190.68 to read as follows:

43 § 190.66 Scheme to defraud in the third degree.

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

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

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

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

15 § 190.67 Scheme to defraud in the second degree.

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

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

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

43 § 190.68 Scheme to defraud in the first degree.

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

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

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

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

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

17 § 200.00 Bribery in the third degree.

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

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

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

28 § 200.03 Bribery in the second degree.

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

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

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

39 § 200.04 Bribery in the first degree.

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

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

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

1 § 200.10 Bribe receiving in the third degree.

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

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

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

12 § 200.11 Bribe receiving in the second degree.

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

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

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

24 § 200.12 Bribe receiving in the first degree.

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

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

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

42 § 180.03 Commercial bribing in the first degree.

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

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

52 § 180.05 Commercial bribe receiving in the second degree.

53 An employee, agent or fiduciary is guilty of commercial bribe receiv-  
54 ing in the second degree when, without the consent of ~~[his]~~ such  
55 person's employer or principal, ~~[he]~~ such person solicits, accepts or  
56 agrees to accept any benefit from another person upon an agreement or

1 understanding and with the intent that such benefit will influence [~~his~~]  
2 such person's conduct in relation to [~~his~~] their employer's or princi-  
3 pal's affairs.

4 Commercial bribe receiving in the second degree is a class A misdemea-  
5 nor.

6 § 180.08 Commercial bribe receiving in the first degree.

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

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

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

20 10. "Structuring" means, for the purposes of sections 470.30 and  
21 470.31 of this article, when a person conducts or attempts to conduct  
22 one or more related transactions in currency, in any amount, with one or  
23 more financial institutions, on one or more days with the intent to  
24 evade any reporting requirement under the banking law, 31 U.S.C. §§ 5311  
25 through 5326, or any regulation prescribed thereunder. Structuring  
26 includes, but is not limited to, the breaking down of a single sum of  
27 currency exceeding ten thousand dollars into smaller sums, including  
28 sums at or below ten thousand dollars, or the conducting of a trans-  
29 action, or series of currency transactions, including transactions at or  
30 below ten thousand dollars.

31 § 13. The penal law is amended by adding two new sections 470.30 and  
32 470.31 to read as follows:

33 § 470.30 Structuring in the second degree.

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

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

39 § 470.31 Structuring in the first degree.

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

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

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

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

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

50 § 195.20 Defrauding the government in the fourth degree.

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

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

55 (i) defraud the state or a political subdivision of the state or a  
56 governmental instrumentality within the state or to obtain property,

1 services or other resources from the state or a political subdivision of  
2 the state or a governmental instrumentality within the state by false or  
3 fraudulent pretenses, representations or promises; [~~or~~]

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

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

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

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

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

25 § 15. The penal law is amended by adding three new sections 195.22,  
26 195.25 and 195.27 to read as follows:

27 § 195.22 Defrauding the government in the third degree.

28 A person is guilty of defrauding the government in the third degree  
29 when such person:

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

32 (i) defraud the state or a political subdivision of the state or a  
33 governmental instrumentality within the state or to obtain property,  
34 services or other resources from the state or a political subdivision of  
35 the state or a governmental instrumentality within the state by false or  
36 fraudulent pretenses, representations or promises;

37 (ii) defraud the state or a political subdivision of the state or a  
38 governmental instrumentality within the state by making use of property,  
39 services or resources of the state, political subdivision of the state  
40 or a governmental instrumentality within the state for private business  
41 purposes or other compensated non-governmental purposes; or

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

49 (b) (i) with respect to an offense charged under paragraph (i) or (ii)  
50 of subdivision (a) of this section, so obtains property, services or  
51 other resources with a value in excess of seventy-five thousand dollars  
52 from such state, political subdivision or governmental instrumentality;  
53 or

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

1 Defrauding the government in the third degree is a class D felony.

2 § 195.25 Defrauding the government in the second degree.

3 A person is guilty of defrauding the government in the second degree  
4 when such person:

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

7 (i) defraud the state or a political subdivision of the state or a  
8 governmental instrumentality within the state or to obtain property,  
9 services or other resources from the state or a political subdivision of  
10 the state or a governmental instrumentality within the state by false or  
11 fraudulent pretenses, representations or promises;

12 (ii) defraud the state or a political subdivision of the state or a  
13 governmental instrumentality within the state by making use of property,  
14 services or resources of the state, political subdivision of the state  
15 or a governmental instrumentality within the state for private business  
16 purposes or other compensated non-governmental purposes; or

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

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

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

32 Defrauding the government in the second degree is a class C felony.

33 § 195.27 Defrauding the government in the first degree.

34 A person is guilty of defrauding the government in the first degree  
35 when such person:

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

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

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

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

55 (b) (i) with respect to an offense charged under paragraph (i) or (ii)  
56 of subdivision (a) of this section, so obtains property, services or

1 other resources with a value in excess of two hundred fifty thousand  
2 dollars from such state, political subdivision or governmental instru-  
3 mentality; or

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

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

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

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

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

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

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

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

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

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

52 3. (a) "Transaction" includes a payment, purchase, sale, loan, pledge,  
53 gift, transfer, or delivery, and with respect to a financial institution  
54 includes a deposit, withdrawal, transfer between accounts, exchange of  
55 currency, loan, extension of credit, purchase or sale of any stock,  
56 bond, certificate of deposit, or other monetary instrument, use of a

1 safe deposit box, or any other payment, transfer, or delivery by,  
2 through, or to a financial institution, by whatever means effected,  
3 except that "transaction" shall not include payments to attorneys for  
4 legal services.

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

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

7 (ii) the conversion or exchange of fiat currency or other value into  
8 virtual currency;

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

11 (iv) the conversion or exchange of one form of virtual currency into  
12 another form of virtual currency;

13 (v) storing, holding, or maintaining custody or control of virtual  
14 currency; and

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

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

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

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

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

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

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

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

55 (e) At such a hearing, the court shall hear evidence, make findings  
56 of fact, enter conclusions of law, and issue a final order from which

1 the parties shall have a right of appeal. The district attorney shall  
2 have the initial burden of proving by clear and convincing evidence  
3 that the subject property is fraudulent proceeds and the identity of  
4 the owner or owners. On that showing, the burden shall shift to the  
5 claimant to prove by clear and convincing evidence that they did not  
6 know and could not have reasonably known that such property was being  
7 used or was intended to be used in, or was derived from, criminal activ-  
8 ity. Upon a showing of clear and convincing evidence of ownership of  
9 the fraudulent proceeds, the court shall order such fraudulent proceeds  
10 be returned to its owner as soon as reasonably practicable.

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

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

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

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

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

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

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

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

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

47 § 24. Section 80.10 of the penal law is amended by adding a new subdivi-  
48 sion 4 to read as follows:

49 4. Corporate equity fines. (a) Notwithstanding any other provision of  
50 this section, in any criminal proceeding where a corporation doing busi-  
51 ness in New York state with annual revenues exceeding one hundred  
52 million dollars is convicted of a felony offense under the laws of this  
53 state, the court, in addition to or in lieu of any other penalty author-  
54 ized by law, may impose an equity fine. An equity fine shall consist of  
55 a judicially determined percentage of the corporation's equity, which

1 shall be issued as new, non-voting shares to a state-managed fund or a  
2 designated victim compensation fund.

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

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

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

13 (iii) The market capitalization of the corporation at the time of  
14 sentencing;

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

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

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

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

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

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

38 § 155.50 Sentencing.

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

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

50 2. A "specified offense" is an offense defined by any of the following  
51 provisions of this chapter: section 155.25 (petit larceny); section  
52 155.30 (grand larceny in the fourth degree); section 155.35 (grand  
53 larceny in the third degree); section 155.40 (grand larceny in the  
54 second degree); section 155.42 (grand larceny in the first degree);  
55 section 190.60 (scheme to defraud in the [~~second~~ fifth degree); [~~or~~  
56 section 190.65 (scheme to defraud in the [~~first~~ fourth degree); section

1 190.66 (scheme to defraud in the third degree); section 190.67 (scheme  
2 to defraud in the second degree); or section 190.68 (scheme to defraud  
3 in the first degree).

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

7 (a) Any of the felonies set forth in this chapter: sections 120.05,  
8 120.10 and 120.11 relating to assault; sections 121.12 and 121.13 relat-  
9 ing to strangulation; sections 125.10 to 125.27 relating to homicide;  
10 sections 130.25, 130.30 and 130.35 relating to rape; sections 135.20 and  
11 135.25 relating to kidnapping; sections 135.35 and 135.37 relating to  
12 labor trafficking; section 135.65 relating to coercion; sections 140.20,  
13 140.25 and 140.30 relating to burglary; sections 145.05, 145.10 and  
14 145.12 relating to criminal mischief; article one hundred fifty relating  
15 to arson; sections 155.30, 155.35, 155.40 and 155.42 relating to grand  
16 larceny; sections 177.10, 177.15, 177.20 and 177.25 relating to health  
17 care fraud; article one hundred sixty relating to robbery; sections  
18 165.45, 165.50, 165.52 and 165.54 relating to criminal possession of  
19 stolen property; sections 165.72 and 165.73 relating to trademark coun-  
20 terfeiting; sections 170.10, 170.15, 170.25, 170.30, 170.40, 170.65 and  
21 170.70 relating to forgery; sections 175.10, 175.25, 175.35, 175.40 and  
22 210.40 relating to false statements; sections 176.15, 176.20, 176.25 and  
23 176.30 relating to insurance fraud; sections 178.20 and 178.25 relating  
24 to criminal diversion of prescription medications and prescriptions;  
25 sections 180.03, 180.08, 180.15, 180.25, 180.40, 180.45, 200.00, 200.03,  
26 200.04, 200.10, 200.11, 200.12, 200.20, 200.22, 200.25, 200.27, 200.56,  
27 215.00, 215.05 and 215.19 relating to bribery; sections 187.10, 187.15,  
28 187.20 and 187.25 relating to residential mortgage fraud, sections  
29 190.40 and 190.42 relating to criminal usury; [~~section~~] sections 190.60,  
30 190.65, 190.66, 190.67 and 190.68 relating to schemes to defraud; any  
31 felony defined in article four hundred ninety-six; sections 205.60 and  
32 205.65 relating to hindering prosecution; sections 210.10, 210.15, and  
33 215.51 relating to perjury and contempt; section 215.40 relating to  
34 tampering with physical evidence; sections 220.06, 220.09, 220.16,  
35 220.18, 220.21, 220.31, 220.34, 220.39, 220.41, 220.43, 220.46, 220.55,  
36 220.60, 220.65 and 220.77 relating to controlled substances; sections  
37 225.10 and 225.20 relating to gambling; sections 230.25, 230.30, and  
38 230.32 relating to promoting prostitution; section 230.34 relating to  
39 sex trafficking; section 230.34-a relating to sex trafficking of a  
40 child; sections 235.06, 235.07, 235.21 and 235.22 relating to obscenity;  
41 sections 263.10 and 263.15 relating to promoting a sexual performance by  
42 a child; sections 265.02, 265.03, 265.04, 265.11, 265.12, 265.13 and the  
43 provisions of section 265.10 which constitute a felony relating to  
44 firearms and other dangerous weapons; sections 265.14 and 265.16 relat-  
45 ing to criminal sale of a firearm; section 265.50 relating to the crimi-  
46 nal manufacture, sale or transport of an undetectable firearm, rifle or  
47 shotgun; section 275.10, 275.20, 275.30, or 275.40 relating to unauthor-  
48 ized recordings; sections 470.30 and 470.31 relating to structuring; and  
49 sections 470.05, 470.10, 470.15 and 470.20 relating to money laundering;  
50 or

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

54 f. Conviction of any of the following crimes subsequent to the issu-  
55 ance of a license or registration pursuant to this article: fraud pursu-  
56 ant to sections 170.10, 170.15, 176.15, 176.20, 176.25, 176.30 [~~and~~];

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

28 § 29. Clause (ii) of subparagraph 2 of paragraph b of subdivision 3 of  
29 section 220-b of the labor law, as amended by chapter 7 of the laws of  
30 2008, is amended to read as follows:

31 (ii) coercion in the first degree as defined in section 135.65 of the  
32 penal law, grand larceny in the fourth degree as defined in section  
33 155.30 of the penal law, grand larceny in the third degree as defined in  
34 section 155.35 of the penal law, grand larceny in the second degree as  
35 defined in section 155.40 of the penal law, grand larceny in the first  
36 degree as defined in section 155.42 of the penal law, forgery in the  
37 second degree as defined in section 170.10 of the penal law, forgery in  
38 the first degree as defined in section 170.15 of the penal law, criminal  
39 possession of a forged instrument in the second degree as defined in  
40 section 170.25 of the penal law, criminal possession of a forged instru-  
41 ment in the first degree as defined in section 170.30 of the penal law,  
42 criminal possession of forgery devices as defined in section 170.40 of  
43 the penal law, falsifying business records in the first degree as  
44 defined in section 175.10 of the penal law, tampering with public  
45 records in the first degree as defined in section 175.25 of the penal  
46 law, offering a false instrument for filing in the first degree as  
47 defined in section 175.35 of the penal law, issuing a false certificate  
48 as defined in section 175.40 of the penal law, insurance fraud in the  
49 fourth degree as defined in section 176.15 of the penal law, insurance  
50 fraud in the third degree as defined in section 176.20 of the penal law,  
51 insurance fraud in the second degree as defined in section 176.25 of the  
52 penal law, insurance fraud in the first degree as defined in section  
53 176.30 of the penal law, aggravated insurance fraud as defined in  
54 section 176.35 of the penal law, commercial bribing in the first degree  
55 as defined in section 180.03 of the penal law, commercial bribe receiv-  
56 ing in the first degree as defined in section 180.08 of the penal law,

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

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

33 (i) Any individual who stands convicted of a felony defined in article  
34 two hundred or four hundred ninety-six or section 195.20, 195.22,  
35 195.25, or 195.27 of the penal law may not be retained, employed or  
36 designated by any client to engage in lobbying for compensation.

37 (ii) Any individual who stands convicted of a misdemeanor defined in  
38 article two hundred, article four hundred ninety-six, section 195.00 or  
39 an attempt to commit a violation of section 195.20, 195.22, 195.25, or  
40 195.27 of the penal law may not be retained, employed or designated by  
41 any client to engage in lobbying for compensation for a period of five  
42 years from the date of conviction, provided that in the event such  
43 conviction is the result of a plea agreement resulting in a plea to such  
44 charge in lieu of a plea or conviction of a felony defined in section  
45 195.20, 195.22, 195.25, or 195.27, article two hundred or article four  
46 hundred ninety-six of the penal law, all parties to such agreement may  
47 agree that the period of such bar may be for a period of up to ten years  
48 from the date of conviction.

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

52 1-a. (i) No person shall be capable of holding a civil office who  
53 shall stand convicted of a felony defined in article two hundred or four  
54 hundred ninety-six or section 195.20, 195.22, 195.25, or 195.27 of the  
55 penal law.

1 (ii) Any individual who stands convicted of a misdemeanor defined in  
2 article two hundred, article four hundred ninety-six or section 195.00  
3 of the penal law may not hold civil office for a period of five years  
4 from the date of conviction, provided that in the event such conviction  
5 is the result of a plea agreement resulting in a plea to such charge in  
6 lieu of a plea or conviction of a felony defined in section 195.20,  
7 195.22, 195.25, or 195.27, article two hundred or article four hundred  
8 ninety-six of the penal law, all parties to such agreement may agree  
9 that the period of such bar may be for a period of up to ten years from  
10 the date of conviction.

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

15 upon the conviction of any person of a crime defined in article two  
16 hundred or four hundred ninety-six or section 195.20, 195.22, 195.25, or  
17 195.27 of the penal law,

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

37 § 33. Subdivision 2 of section 139-b of the state finance law, as  
38 added by section 31 of subpart A of part H of chapter 55 of the laws of  
39 2014, is amended to read as follows:

40 2. Any person who stands convicted of a felony defined in article two  
41 hundred or four hundred ninety-six or section 195.20, 195.22, 195.25, or  
42 195.27 of the penal law, and any firm, partnership or corporation that  
43 stands convicted of such crime shall be disqualified from thereafter  
44 selling to or submitting bids to or receiving awards from or entering  
45 into any contracts with the state or any public department, agency or  
46 official thereof, for goods, work or services. In the event a person or  
47 firm, partnership or corporation is so convicted, the office responsible  
48 for prosecuting such offense shall send notice of such conviction to the  
49 state commissioner of general services, and to the office of the state  
50 comptroller and such appropriate departments, agencies and officials of  
51 the state, political subdivisions thereof or public authorities with  
52 whom the person or the firm, partnership or corporation is known to have  
53 a contract.

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

1 1-a. Any firm, partnership, or corporation which has become subject to  
2 the cancellation or termination of a contract or disqualification to  
3 contract on account of conviction of a crime defined in article two  
4 hundred or four hundred ninety-six or section 195.20, 195.22, 195.25, or  
5 195.27 of the penal law, as provided in sections one hundred thirty-  
6 nine-a and one hundred thirty-nine-b of this article, may, upon thirty  
7 days' notice to the district attorney who conducted the action that led  
8 to the conviction, and the office of the state comptroller commence a  
9 special proceeding at a special term of the supreme court held within  
10 the judicial district in which the conviction was obtained for an order  
11 discontinuing such disqualification. The petition shall set forth the  
12 grounds, including that the firm, partnership, or corporation has taken  
13 sufficient actions to remove from responsibility officers and employees  
14 who engaged in the actions that formed the basis of the conviction, that  
15 the firm, partnership, or corporation has taken appropriate and suffi-  
16 cient actions to ensure that the actions that formed the basis of the  
17 conviction are unlikely to recur, and that it will not be in the public  
18 interest to cancel or terminate petitioner's contracts or to continue  
19 the disqualification, as provided in sections one hundred thirty-nine-a  
20 and one hundred thirty-nine-b of this article; provided further, at any  
21 time after such cancellation or disqualification any such firm, partner-  
22 ship or corporation may apply to the supreme court, upon notice as  
23 provided herein for an immediate termination of disqualification upon a  
24 reversal of the conviction upon which the debarment was imposed.

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

28 § 41. Limitations on tax credit eligibility. Any taxpayer who stands  
29 convicted, or who is a shareholder of an S corporation or partner in a  
30 partnership which is convicted, of an offense defined in article two  
31 hundred or four hundred ninety-six or section 195.20, 195.22, 195.25, or  
32 195.27 of the penal law shall not be eligible for any tax credit allowed  
33 under article nine, nine-A, thirty-two or thirty-three of this chapter  
34 or any business tax credit allowed under article twenty-two of this  
35 chapter. For purposes of this section, a business tax credit allowed  
36 under article twenty-two of this chapter is a tax credit allowed to  
37 taxpayers under article twenty-two which is substantially similar to a  
38 tax credit allowed to taxpayers under article nine-A of this chapter. In  
39 the event a person or firm, partnership or corporation is convicted of  
40 an offense defined in article two hundred or four hundred ninety-six or  
41 section 195.00 of the penal law, the office responsible for prosecuting  
42 such offense shall send notice of such conviction, together with the  
43 names of any firm, partnership or corporation of which the person is  
44 known to be a member, partner, officer or director, to the commissioner.

45 § 36. This act shall take effect immediately.