S T A T E O F N E W Y O R K

10572

I N A S S E M B L Y

April 8, 2010

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

AN ACT to amend the criminal procedure law, in relation to the filing of a false financing statement

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The criminal procedure law is amended by adding a new section 440.70 to read as follows:

S 440.70 NOTICE TO THE SECRETARY OF STATE WHEN FALSE FINANCING STATEMENT FILED.

UPON CONVICTION OF ANY PERSON FOR A CRIME WHERE THE DEFENDANT INTENTIONALLY FILED OR CAUSED TO BE FILED A FINANCING STATEMENT PURSUANT TO ARTICLE NINE OF THE UNIFORM COMMERCIAL CODE ON FORM UCC1 THAT FALSELY CLAIMS THAT A PERSON IS INDEBTED OR OBLIGATED TO SUCH DEFENDANT, THE COURT WHEREIN SUCH CONVICTION IS ENTERED, OR THE CLERK THEREOF, SHALL ISSUE AND CAUSE TO BE FILED A CERTIFICATE WITH THE NEW YORK SECRETARY OF STATE: (A) CERTIFYING THAT A JUDGMENT OF CONVICTION HAS BEEN ENTERED IN SUCH COURT AGAINST THE DEFENDANT WHO WAS LISTED AS THE SECURED PARTY IN SUCH FORM; AND (B) SPECIFYING THE DATE AND LOCATION OF THE FILING, ANY FILING OR INDEXING NUMBER ASSIGNED TO SUCH FILING, THE DEBTOR NAMED IN SUCH STATEMENT, AND A DESCRIPTION OF THE COLLATERAL ENCUMBERED BY THE INSTRUMENT.

S 2. This act shall take effect immediately.

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

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