

7517

2009-2010 Regular Sessions

I N A S S E M B L Y

April 14, 2009

Introduced by M. of A. LATIMER -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law, in relation to payments received as profit for a crime

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

1 Section 1. Paragraph (a) of subdivision 2 of section 632-a of the  
2 executive law, as amended by chapter 62 of the laws of 2001, is amended  
3 to read as follows:  
4 (a) Every person, firm, corporation, partnership, association or other  
5 legal entity, or representative of such person, firm, corporation, part-  
6 nership, association or entity, which knowingly contracts for, pays, or  
7 agrees to pay: (i) any profits from a crime as defined in paragraph (b)  
8 of subdivision one of this section, to a person charged with or  
9 convicted of that crime, or to the representative of such person as  
10 defined in subdivision six of section six hundred twenty-one of this  
11 article; or (ii) any funds of a convicted person, as defined in para-  
12 graph (c) of subdivision one of this section, where such conviction is  
13 for a specified crime and the value, combined value or aggregate value  
14 of the payment or payments of such funds exceeds or will exceed ten  
15 thousand dollars, OR TO A PERSON OR ENTITY ACTUALLY KNOWN TO SUCH  
16 PERSON, FIRM, CORPORATION, PARTNERSHIP, ASSOCIATION OR OTHER LEGAL ENTI-  
17 TY TO BE AN AGENT OR ASSIGNEE OF THE PERSON SO CHARGED OR CONVICTED  
18 shall give written notice to the crime victims board of the payment or  
19 obligation to pay as soon as practicable, BUT IN NO EVENT LATER THAN  
20 THIRTY DAYS, after discovering that the payment or intended payment  
21 constitutes profits from a crime or funds of a convicted person. KNOWING  
22 FAILURE OF THE CONTRACTOR TO NOTIFY THE CRIME VICTIMS BOARD OF SUCH  
23 PAYMENT, OBLIGATION TO PAY OR INTENDED PAYMENT SHALL RESULT IN A CIVIL  
24 PENALTY IN AN AMOUNT UP TO THE FULL AMOUNT OF ALL CONSIDERATION OFFERED  
25 OR CONTRACTED, EXCEPT THAT IF THE CONSIDERATION OFFERED OR CONTRACTED

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

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1 EXCEEDS TWENTY-FIVE THOUSAND DOLLARS, THEN UP TO TWENTY-FIVE THOUSAND  
2 DOLLARS PLUS UP TO TWENTY-FIVE PERCENT OF THE ADDITIONAL CONSIDERATION  
3 OFFERED OR CONTRACTED WHICH EXCEEDS TWENTY-FIVE THOUSAND DOLLARS. ANY  
4 MONIES COLLECTED BY THE BOARD AS A RESULT OF A VIOLATION OF THIS SUBDI-  
5 VISION SHALL BE DEPOSITED IN THE CRIMINAL JUSTICE IMPROVEMENT ACCOUNT.  
6 S 2. This act shall take effect immediately.