

3321

2009-2010 Regular Sessions

I N S E N A T E

March 16, 2009

Introduced by Sen. OPPENHEIMER -- read twice and ordered printed, and when printed to be committed to the Committee on Crime Victims, Crime and Correction

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

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

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