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

1175

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

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

AN ACT to amend the penal law, in relation to theft of property from a senior citizen and creating the class E felony of fraudulent accosting in the first degree

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

Section 1. Section 155.30 of the penal law is amended by adding a new subdivision 12 to read as follows:

12. THE VALUE OF THE PROPERTY EXCEEDS TWO HUNDRED FIFTY DOLLARS AND IS TAKEN FROM A PERSON WHO IS SIXTY-FIVE YEARS OF AGE OR OLDER.

S 2. Section 165.30 of the penal law, as amended by chapter 772 of the laws of 1971, is amended to read as follows:

S 165.30 Fraudulent accosting IN THE SECOND DEGREE.

1. A person is guilty of fraudulent accosting IN THE SECOND DEGREE when he OR SHE accosts a person in a public place with intent to defraud him OR HER of money or other property by means of a trick, swindle or confidence game.

2. A person who, either at the time he OR SHE accosts another in a public place or at some subsequent time or at some other place, makes statements to him OR HER or engages in conduct with respect to him OR HER of a kind commonly made or performed in the perpetration of a known type of confidence game, is presumed to intend to defraud such person of money or other property.

Fraudulent accosting IN THE SECOND DEGREE is a class A misdemeanor.

S 3. The penal law is amended by adding a new section 165.32 to read as follows:

S 165.32 FRAUDULENT ACCOSTING IN THE FIRST DEGREE.

1. A PERSON IS GUILTY OF FRAUDULENT ACCOSTING IN THE FIRST DEGREE WHEN HE OR SHE ACCOSTS A PERSON, WHO IS SIXTY-FIVE YEARS OF AGE OR OLDER, IN

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

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A PUBLIC PLACE WITH INTENT TO DEFRAUD HIM OR HER OF MONEY OR OTHER PROPERTY BY MEANS OF A TRICK, SWINDLE OR CONFIDENCE GAME.

2. A PERSON WHO, EITHER AT THE TIME HE OR SHE ACCOSTS ANOTHER IN A PUBLIC PLACE OR AT SOME SUBSEQUENT TIME OR AT SOME OTHER PLACE, MAKES STATEMENTS TO HIM OR HER OR ENGAGES IN CONDUCT WITH RESPECT TO HIM OR HER OF A KIND COMMONLY MADE OR PERFORMED IN THE PERPETRATION OF A KNOWN TYPE OF CONFIDENCE GAME, IS PRESUMED TO INTEND TO DEFRAUD SUCH PERSON OF MONEY OR OTHER PROPERTY.

FRAUDULENT ACCOSTING IN THE FIRST DEGREE IS A CLASS E FELONY.

S 4. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.