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

7517--A

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 -- recommitted to the Committee on Governmental Operations in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

Section 1. Paragraph (a) of subdivision 2 of section 632-a of the executive law, as amended by chapter 62 of the laws of 2001, is amended to read as follows:

(a) Every person, firm, corporation, partnership, association or other legal entity, or representative of such person, firm, corporation, partnership, association or entity, which knowingly contracts for, pays, or agrees to pay: (i) any profits from a crime as defined in paragraph (b) of subdivision one of this section, to a person charged with or convicted of that crime, or to the representative of such person as defined in subdivision six of section six hundred twenty-one of this article; or (ii) any funds of a convicted person, as defined in paragraph (c) of subdivision one of this section, where such conviction is for a specified crime and the value, combined value or aggregate value of the payment or payments of such funds exceeds or will exceed ten thousand dollars, OR TO A PERSON OR ENTITY ACTUALLY KNOWN TO SUCH PERSON, FIRM, CORPORATION, PARTNERSHIP, ASSOCIATION OR OTHER LEGAL ENTITY TO BE AN AGENT OR ASSIGNEE OF THE PERSON SO CHARGED OR CONVICTED shall give written notice to the crime victims board of the payment or obligation to pay as soon as practicable, BUT IN NO EVENT LATER THAN THIRTY DAYS, after discovering that the payment or intended payment constitutes profits from a crime or funds of a convicted person. KNOWING FAILURE OF THE CONTRACTOR TO NOTIFY THE CRIME VICTIMS BOARD OF SUCH

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

LBD09278-03-0

PAYMENT, OBLIGATION TO PAY OR INTENDED PAYMENT SHALL RESULT IN A CIVIL PENALTY IN AN AMOUNT UP TO THE FULL AMOUNT OF ALL CONSIDERATION OFFERED OR CONTRACTED, EXCEPT THAT IF THE CONSIDERATION OFFERED OR CONTRACTED EXCEEDS TWENTY-FIVE THOUSAND DOLLARS, THEN UP TO TWENTY-FIVE THOUSAND DOLLARS PLUS UP TO TWENTY-FIVE PERCENT OF THE ADDITIONAL CONSIDERATION OFFERED OR CONTRACTED WHICH EXCEEDS TWENTY-FIVE THOUSAND DOLLARS. ANY MONIES COLLECTED BY THE BOARD AS A RESULT OF A VIOLATION OF THIS SUBDIVISION SHALL BE HANDLED IN THE SAME MANNER AS ASSESSMENTS UNDER SUBPARAGRAPH (I) OF PARAGRAPH (B) OF SUBDIVISION SEVEN OF THIS SECTION.

S 2. This act shall take effect immediately.