

2676

2009-2010 Regular Sessions

I N S E N A T E

February 26, 2009

Introduced by Sen. MORAHAN -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the penal law, in relation to fraudulent accosting of a person seventy-five years of age or older

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

1 Section 1. The penal law is amended by adding a new section 165.31 to
2 read as follows:
3 S 165.31 FRAUDULENT ACCOSTING OF A PERSON SEVENTY-FIVE YEARS OF AGE OR
4 OLDER.
5 1. A PERSON IS GUILTY OF FRAUDULENT ACCOSTING OF A PERSON SEVENTY-FIVE
6 YEARS OF AGE OR OLDER WHEN HE OR SHE ACCOSTS A PERSON AGED SEVENTY-FIVE
7 YEARS OR OLDER IN A PUBLIC PLACE WITH INTENT TO DEFRAUD HIM OR HER OF
8 MONEY OR OTHER PROPERTY BY MEANS OF A TRICK, SWINDLE OR CONFIDENCE GAME.
9 2. A PERSON WHO, EITHER AT THE TIME HE OR SHE ACCOSTS A PERSON AGED
10 SEVENTY-FIVE YEARS OR OLDER IN A PUBLIC PLACE OR AT SOME SUBSEQUENT TIME
11 OR AT SOME OTHER PLACE, MAKES STATEMENTS TO HIM OR HER OR ENGAGES IN
12 CONDUCT WITH RESPECT TO HIM OR HER OF A KIND COMMONLY MADE OR PERFORMED
13 IN THE PERPETRATION OF A KNOWN TYPE OF CONFIDENCE GAME, IS PRESUMED TO
14 INTEND TO DEFRAUD SUCH PERSON OF MONEY OR OTHER PROPERTY.
15 FRAUDULENT ACCOSTING OF A PERSON SEVENTY-FIVE YEARS OF AGE OR OLDER IS
16 A CLASS E FELONY.
17 S 2. This act shall take effect on the first of November next succeeding
18 the date on which it shall have become a law.

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

LBD08571-01-9