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

2335

2011-2012 Regular Sessions

I N S E N A T E

January 18, 2011

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:

Section 1. Paragraph (a) of subdivision 2 of section 632-a of the executive law, as amended by section 24 of part A1 of chapter 56 of the laws of 2010, 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 PARTY 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 office 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 OFFICE OF VICTIM SERVICES OF SUCH 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

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

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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 OFFICE 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.