

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:

1 Section 1. Paragraph (a) of subdivision 2 of section 632-a of the
2 executive law, as amended by section 24 of part A1 of chapter 56 of the
3 laws of 2010, is amended 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 PARTY ACTUALLY KNOWN TO SUCH PERSON,
16 FIRM, CORPORATION, PARTNERSHIP, ASSOCIATION OR OTHER LEGAL ENTITY TO BE
17 AN AGENT OR ASSIGNEE OF THE PERSON SO CHARGED OR CONVICTED shall give
18 written notice to the office of the payment or obligation to pay as soon
19 as practicable, BUT IN NO EVENT LATER THAN THIRTY DAYS, after discover-
20 ing that the payment or intended payment constitutes profits from a
21 crime or funds of a convicted person. KNOWING FAILURE OF THE CONTRACTOR
22 TO NOTIFY THE OFFICE OF VICTIM SERVICES OF SUCH PAYMENT, OBLIGATION TO
23 PAY OR INTENDED PAYMENT SHALL RESULT IN A CIVIL PENALTY IN AN AMOUNT UP
24 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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1 THAT IF THE CONSIDERATION OFFERED OR CONTRACTED EXCEEDS TWENTY-FIVE
2 THOUSAND DOLLARS, THEN UP TO TWENTY-FIVE THOUSAND DOLLARS PLUS UP TO
3 TWENTY-FIVE PERCENT OF THE ADDITIONAL CONSIDERATION OFFERED OR
4 CONTRACTED WHICH EXCEEDS TWENTY-FIVE THOUSAND DOLLARS. ANY MONIES
5 COLLECTED BY THE OFFICE AS A RESULT OF A VIOLATION OF THIS SUBDIVISION
6 SHALL BE HANDLED IN THE SAME MANNER AS ASSESSMENTS UNDER SUBPARAGRAPH
7 (I) OF PARAGRAPH (B) OF SUBDIVISION SEVEN OF THIS SECTION.
8 S 2. This act shall take effect immediately.