

1884

2013-2014 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 9, 2013

Introduced by M. of A. ZEBROWSKI -- 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 ASSEM-
BLY, DO ENACT AS FOLLOWS:

1 Section 1. Section 155.30 of the penal law is amended by adding a new
2 subdivision 12 to read as follows:
3 12. THE VALUE OF THE PROPERTY EXCEEDS TWO HUNDRED FIFTY DOLLARS AND IS
4 TAKEN FROM A PERSON WHO IS SIXTY-FIVE YEARS OF AGE OR OLDER.
5 S 2. Section 165.30 of the penal law, as amended by chapter 772 of the
6 laws of 1971, is amended to read as follows:
7 S 165.30 Fraudulent accosting IN THE SECOND DEGREE.
8 1. A person is guilty of fraudulent accosting IN THE SECOND DEGREE
9 when he OR SHE accosts a person in a public place with intent to defraud
10 him OR HER of money or other property by means of a trick, swindle or
11 confidence game.
12 2. A person who, either at the time he OR SHE accosts another in a
13 public place or at some subsequent time or at some other place, makes
14 statements to him OR HER or engages in conduct with respect to him OR
15 HER of a kind commonly made or performed in the perpetration of a known
16 type of confidence game, is presumed to intend to defraud such person of
17 money or other property.
18 Fraudulent accosting IN THE SECOND DEGREE is a class A misdemeanor.
19 S 3. The penal law is amended by adding a new section 165.32 to read
20 as follows:
21 S 165.32 FRAUDULENT ACCOSTING IN THE FIRST DEGREE.
22 1. A PERSON IS GUILTY OF FRAUDULENT ACCOSTING IN THE FIRST DEGREE WHEN
23 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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1 A PUBLIC PLACE WITH INTENT TO DEFRAUD HIM OR HER OF MONEY OR OTHER PROP-
2 ERTY BY MEANS OF A TRICK, SWINDLE OR CONFIDENCE GAME.
3 2. A PERSON WHO, EITHER AT THE TIME HE OR SHE ACCOSTS ANOTHER IN A
4 PUBLIC PLACE OR AT SOME SUBSEQUENT TIME OR AT SOME OTHER PLACE, MAKES
5 STATEMENTS TO HIM OR HER OR ENGAGES IN CONDUCT WITH RESPECT TO HIM OR
6 HER OF A KIND COMMONLY MADE OR PERFORMED IN THE PERPETRATION OF A KNOWN
7 TYPE OF CONFIDENCE GAME, IS PRESUMED TO INTEND TO DEFRAUD SUCH PERSON OF
8 MONEY OR OTHER PROPERTY.
9 FRAUDULENT ACCOSTING IN THE FIRST DEGREE IS A CLASS E FELONY.
10 S 4. This act shall take effect on the first of November next succeed-
11 ing the date on which it shall have become a law.