

1498

2015-2016 Regular Sessions

I N A S S E M B L Y

January 12, 2015

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.