STATE OF NEW YORK

1311

2017-2018 Regular Sessions

IN ASSEMBLY

January 11, 2017

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 Assembly, do enact as follows:

Section 1. Section 155.30 of the penal law is amended by adding a new subdivision 12 to read as follows:

12. The value of the property exceeds two hundred fifty dollars and is taken from a person who is sixty-five years of age or older.

§ 2. Section 165.30 of the penal law, as amended by chapter 772 of the laws of 1971, is amended to read as follows:

§ 165.30 Fraudulent accosting **in the second degree**.

1. A person is guilty of fraudulent accosting **in the second degree** when he **or she** accosts a person in a public place with intent to defraud him **or her** of money or other property by means of a trick, swindle or confidence game.

2. A person who, either at the time he **or she** accosts another in a public place or at some subsequent time or at some other place, makes statements to him **or her** or engages in conduct with respect to him **or her** of a kind commonly made or performed in the perpetration of a known type of confidence game, is presumed to intend to defraud such person of money or other property.

Fraudulent accosting **in the second degree** is a class A misdemeanor.

§ 3. The penal law is amended by adding a new section 165.32 to read as follows:

§ 165.32 Fraudulent accosting in the first degree.

1. A person is guilty of fraudulent accosting in the first degree when 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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a public place with intent to defraud him or her of money or other property by means of a trick, swindle or confidence game.

2. A person who, either at the time he or she accosts another in a public place or at some subsequent time or at some other place, makes statements to him or her or engages in conduct with respect to him or her of a kind commonly made or performed in the perpetration of a known type of confidence game, is presumed to intend to defraud such person of money or other property.

Fraudulent accosting in the first degree is a class E felony.

§ 4. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.