STATE OF NEW YORK

4405

2019-2020 Regular Sessions

IN SENATE

March 11, 2019

Introduced by Sen. BRESLIN -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the penal law, in relation to wage theft

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision 1 of section 155.00 of the penal law, as amended by chapter 514 of the laws of 1986, is amended and a new subdivision 10 is added to read as follows:

1. "Property" means any money**, wages**, personal property, real property, computer data, computer program, thing in action, evidence of debt or contract, or any article, substance or thing of value, including any gas, steam, water or electricity, which is provided for a charge or compensation.

10. "Workforce" means a group of one or more people providing services in exchange for wages for one person or entity.

§ 2. Subdivision 2 of section 155.05 of the penal law is amended by adding a new paragraph (f) to read as follows:

(f) By wage theft.

A person obtains property by wage theft when he agrees to hire a person to perform services and the person performs such services and the defendant withholds such wages from said person. In a prosecution for wage theft, for the purposes of venue, it is permissible to aggregate all takings from one person from one defendant, into one larceny count, even if the takings occurred in multiple counties. It is also permissible to aggregate takings from a workforce into one larceny count.

§ 3. This act shall take effect immediately.

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

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