STATE OF NEW YORK

2022--A

2021-2022 Regular Sessions

IN ASSEMBLY

January 14, 2021

Introduced by M. of A. CRUZ, AUBRY, BARNWELL, DeSTEFANO, DICKENS, FERNANDEZ, COOK, FALL, GRIFFIN, EPSTEIN, J. RIVERA, GOTTFRIED, WILLIAMS, McMAHON, WEPRIN, VANEL, McDONOUGH, MONTESANO, RAMOS -- Multi-Sponsored by -- M. of A. CARROLL, GALEF, THIELE -- read once and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 or she 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.

LBD06159-03-1