STATE OF NEW YORK

621--B

2021-2022 Regular Sessions

IN SENATE

(Prefiled)

January 6, 2021

Introduced by Sens. SANDERS, ADDABBO, BAILEY, BIAGGI, BOYLE, BROOKS, BROUK, COMRIE, GAUGHRAN, GOUNARDES, HARCKHAM, HOYLMAN, JACKSON, KAPLAN, KENNEDY, KRUEGER, LIU, MATTERA, MAYER, PALUMBO, PARKER, RAMOS, RIVERA, SALAZAR, SAVINO, SEPULVEDA, SKOUFIS, STAVISKY, THOMAS, WEIK -- read twice and ordered printed, and when printed to be committed to the Committee on Codes -- recommitted to the Committee on Codes in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the penal law, in relation to crimes involving the death or injury of a worker

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

Section 1. Short title. This act shall be known and may be cited as "Carlos' law".

§ 2. Paragraph (c) of subdivision 2 of section 20.20 of the penal law, as amended by chapter 671 of the laws of 1986, is amended to read as follows:

(c) The conduct constituting the offense is engaged in by an agent of the corporation while acting within the scope of his employment and in behalf of the corporation, and the offense is (i) a misdemeanor or a violation, (ii) one defined by a statute which clearly indicates a legislative intent to impose such criminal liability on a corporation, [~~or~~] (iii) any offense set forth in title twenty-seven of article seventy-one of the environmental conservation law**, or (iv) is in relation to a crime involving the death or injury of a worker**.

§ 3. Subdivision 5 of section 60.27 of the penal law is amended by adding a new paragraph (c) to read as follows:

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

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(c) If a corporation is found guilty of an offense involving the death or injury of a worker in violation of paragraph (a), (b), or (c) of subdivision two of section 20.20 of this chapter, the court may order restitution or reparation in excess of the amounts specified in paragraphs (a) and (b) of this subdivision.

§ 4. Paragraphs (a) and (b) of subdivision 1 of section 80.10 of the penal law, as amended by section 28 of subpart A of part H of chapter 55 of the laws of 2014, are amended to read as follows:

(a) Ten thousand dollars, when the conviction is of a felony**; provided, however, that when the conviction is pursuant to paragraph (a), (b), or (c) of subdivision two of section 20.20 of this chapter, such fine shall be fixed by the court and shall not be less than five hundred thousand dollars nor more than one million dollars**;

(b) Five thousand dollars, when the conviction is of a class A misdemeanor or of an unclassified misdemeanor for which a term of imprisonment in excess of three months is authorized**; provided, however, that when the conviction is pursuant to paragraph (a), (b), or (c) of subdivision two of section 20.20 of this chapter, such fine shall be fixed by the court and shall not be less than three hundred thousand dollars nor more than five hundred thousand dollars**;

§ 5. This act shall take effect on the thirtieth day after it shall have become a law.