

# 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:

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

3  
4 1. "Property" means any money, wages, personal property, real property, computer data, computer program, thing in action, evidence of debt  
5 or contract, or any article, substance or thing of value, including any  
6 gas, steam, water or electricity, which is provided for a charge or  
7 compensation.  
8

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

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

13 (f) By wage theft.

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

22 § 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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