STATE OF NEW YORK

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2022--A

2021-2022 Regular Sessions

IN ASSEMBLY

January 14, 2021
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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:

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 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 subdi-
 3  vision 10 is added to read as follows:
 4    1. "Property" means any money, wages, personal property, real  proper-
 5  ty,  computer  data, computer program, thing in action, evidence of debt
 6  or contract, or any article, substance or thing of value, including  any
 7  gas,  steam,  water  or  electricity,  which is provided for a charge or
 8  compensation.
 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  aggre-
18  gate  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.
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