

STATE OF NEW YORK

4009--A

2021-2022 Regular Sessions

IN SENATE

February 1, 2021

Introduced by Sen. BRESLIN -- read twice and ordered printed, and when printed to be committed 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 subdivi-
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.

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

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