STATE OF NEW YORK

2832--A

Cal. No. 566

2023-2024 Regular Sessions

IN SENATE

January 25, 2023

Introduced by Sens. BRESLIN, CLEARE, HINCHEY, MATTERA, PALUMBO, PARKER, SALAZAR, WEIK -- read twice and ordered printed, and when printed to be committed to the Committee on Codes -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, passed by Senate and delivered to the Assembly, recalled, vote reconsidered, restored to third reading, amended and ordered reprinted, retaining its place in the order of third reading

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**, compensation for labor or services**, 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 persons who work in exchange for wages.

§ 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 hires a person to perform services and the person performs such services and the person does not pay wages, at the minimum wage rate and overtime, or promised wage, if greater than the minimum wage rate and overtime, to said person for work performed. In a prosecution for wage theft, for the purposes of venue, it is permissible to aggregate all nonpayments or underpayments to one person from one person, into one larceny count, even if the nonpayments or underpayments occurred in multiple counties. It is also

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

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permissible to aggregate nonpayments or underpayments from a workforce into one larceny count even if such nonpayments or underpayments occurred in multiple counties.

§ 3. This act shall take effect immediately.