STATE OF NEW YORK

6569

2023-2024 Regular Sessions

IN SENATE

April 27, 2023

Introduced by Sen. MYRIE -- (at request of the Attorney General) -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the criminal procedure law, the penal law and the executive law, in relation to deed theft

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

Section 1. Subdivision 3 of section 30.10 of the criminal procedure law is amended by adding a new paragraph (h) to read as follows:

(h) A prosecution for any felony related to a deed theft or where there is fraud in connection with a transaction involving real property must be commenced within eight years after the commission of the crime.

§ 2. The penal law is amended by adding two new sections 155.50 and 155.55 to read as follows:

§ 155.50 Deed theft in the second degree.

A person is guilty of deed theft in the second degree when a person steals real property.

Deed theft in the second degree is a class C felony.

§ 155.55 Deed theft in the first degree.

A person is guilty of deed theft in the first degree when a person steals residential real property, as such term is defined in section 187.00 of this part; or (b) a person steals two or more real properties.

Deed theft in the first degree is a class B felony.

§ 3. Subdivision 3 of section 187.00 of the penal law, as amended by chapter 507 of the laws of 2009, is amended to read as follows:

3. "Residential real property" means real property **that is used or occupied, or intended to be used or occupied, wholly or partly, as the home or residence of one or more persons, including real property that is** improved by a one-to-four family dwelling, or a residential unit in a building including units owned as condominiums or on a cooperative basis, used or occupied, or intended to be used or occupied, wholly or

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

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partly, as the home or residence of one or more persons, but shall not refer to unimproved real property upon which such dwellings are to be constructed.

§ 4. Section 63 of the executive law is amended by adding a new subdivision 17 to read as follows:

17. The attorney general may investigate and prosecute every person or entity charged with the commission of a criminal offense in violation of the laws of this state applicable to or in respect of the practices or transactions referred to in article one hundred fifty-five of the penal law relating to deed theft or in connection with a deed theft or where there is fraud in connection with a transaction involving real property. In all such proceedings, the attorney general may appear in person or by his or her deputy before any court of record or any grand jury and exercise all the powers and perform all the duties in respect of such actions or proceedings which the district attorney would otherwise be authorized or required to exercise or perform; or the attorney general may in his or her discretion transmit evidence, proof and information as to such offense to the district attorney of the county or counties in which the alleged violation has occurred, and every district attorney to whom such evidence, proof and information is so transmitted may forthwith proceed to prosecute any corporation, company, association, or officer, manager or agent thereof, or any firm or person charged with such violation.

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