STATE OF NEW YORK

10038

IN ASSEMBLY

May 2, 2024

Introduced by M. of A. BEEPHAN -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to establishing the offense of defrauding an elderly person

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

Section 1. The penal law is amended by adding a new section 190.90 to read as follows:

§ 190.90 Defrauding an elderly person.

1. A person is guilty of defrauding an elderly person when, with the intent to defraud or obtain property, such person:

(a) steals or accesses without proper permission money, property or benefits by means of a deceptive tactic or the purposeful feeding of misinformation, regardless of the monetary value of the money, property or benefits; and

(b) the victim is a person sixty-five years of age or older.

2. A violation of this section may be charged in addition to a charge of any other offense under this chapter and any sentence imposed for a violation of this section shall be in addition to any sentence imposed for any other offense. A sentence imposed for a violation of this section shall not be less than thirty days imprisonment.

Defrauding an elderly person is a class B misdemeanor.

§ 2. This act shall take effect on the first of November next succeeding the date upon which it shall have become a law.

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

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