STATE OF NEW YORK

10689

IN ASSEMBLY

August 28, 2024

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Vanel) -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to enhanced penalties for larceny and criminal possession of stolen property against elderly persons

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 155.44 to read as follows:

§ 155.44 Enhanced penalties for larceny against elderly persons.

1. For any offense committed in violation of this article against a person sixty years of age or older, where such person is an intended victim of the offense, other than section 155.42 or 155.43 of this article, and:

(a) where such offense is a misdemeanor, the offense shall be deemed a class E felony; or

(b) where such offense is a felony, the offense shall be deemed to be one category higher than the specified offense the defendant committed.

2. The enhanced penalty provided for by subdivision one of this section shall only apply where:

(a) the offender knew the age of the victim prior to or learned the age of the victim during the commission of the act; and

(b) the offender has previously been convicted of a larceny offense other than section 155.42 or 155.43 of this article involving a person sixty years of age or older.

§ 2. The penal law is amended by adding a new section 165.67 to read as follows:

§ 165.67 Enhanced penalties for criminal possession of stolen property against elderly persons.

1. For any offense committed in violation of sections 165.40, 165.45, 165.50 and 165.52 of this article against a person sixty years of age or older, where such person is an intended victim of the offense, and:

(a) where such offense is a misdemeanor, the offense shall be deemed a class E felony; or

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

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(b) where such offense is a felony, the offense shall be deemed to be one category higher than the specified offense the defendant committed.

2. The enhanced penalty provided for by subdivision one of this section shall only apply where:

(a) the offender knew the age of the victim prior to or learned the age of the victim during the commission of the act; and

(b) the offender has previously been convicted of a criminal possession of stolen property offense involving a person sixty years of age or older.

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