STATE OF NEW YORK

154--A

2023-2024 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 4, 2023

Introduced by M. of A. CRUZ, AUBRY, DeSTEFANO, DICKENS, COOK, FALL, EPSTEIN, WILLIAMS, McMAHON, WEPRIN, VANEL, McDONOUGH, RAMOS, JACOBSON, STECK, LUPARDO, BRABENEC, BURGOS, DINOWITZ, COLTON, ROZIC, REYES, LUCAS, CARROLL, THIELE, GONZALEZ-ROJAS, BORES, HEVESI, WOERNER, BURDICK, BUTTENSCHON -- read once and referred 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:

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

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

LBD01997-02-3

nonpayments or underpayments occurred in multiple counties. It is also 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.