

# STATE OF NEW YORK

9763

## IN ASSEMBLY

April 4, 2024

Introduced by M. of A. DAIS -- (at request of the Attorney General) --  
read once and referred 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:

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

3 (h) A prosecution for any felony related to a deed theft or where  
4 there is fraud in connection with a transaction involving real property  
5 must be commenced within five years after the commission of the crime,  
6 or within two years after the facts constituting such offense are  
7 discovered by the aggrieved party, whichever occurs later.

8 § 2. Section 155.00 of the penal law is amended by adding six new  
9 subdivisions 11, 12, 13, 14, 15 and 16 to read as follows:

10 11. "Residential real property" or any derivative word thereof shall  
11 have the same meaning as defined in subdivision three of section 187.00  
12 of this part.

13 12. "Commercial property" or any derivative word thereof shall mean a  
14 nonresidential property used for the buying, selling or otherwise  
15 providing of goods or services including hotel services, or for other  
16 lawful business, commercial or manufacturing activities.

17 13. "Mixed-use property" shall have the same meaning as defined in  
18 subdivision twenty-two of section four hundred eighty-nine-aaaa of the  
19 real property tax law.

20 14. "Incompetent" shall have the same meaning as defined in section  
21 1-2.9 of the estates, powers and trusts law.

22 15. "Incapacitated person" shall mean a person who, because of mental  
23 disability as defined in subdivision three of section 1.03 of the mental  
24 hygiene law or mental deficiency, is unable to care for their own prop-  
25 erty and/or personal needs, and is likely to suffer harm because such  
26 person is unable to understand and appreciate the nature and conse-  
27 quences of not being able to care for their property and/or personal  
28 needs.

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

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1 16. "Elderly person" means a person sixty years of age or older.

2 § 3. Subparagraph (ix) of paragraph (e) and paragraph (f) of subdivi-  
3 sion 2 of section 155.05 of the penal law, paragraph (f) as added by  
4 chapter 353 of the laws of 2023, are amended and a new paragraph (g) is  
5 added to read as follows:

6 (ix) Perform any other act which would not in itself materially bene-  
7 fit the actor but which is calculated to harm another person materially  
8 with respect to his or her health, safety, business, calling, career,  
9 financial condition, reputation or personal relationships[+]; or

10 (f) By wage theft.

11 A person obtains property by wage theft when he or she hires a person  
12 to perform services and the person performs such services and the person  
13 does not pay wages, at the minimum wage rate and overtime, or promised  
14 wage, if greater than the minimum wage rate and overtime, to said person  
15 for work performed. In a prosecution for wage theft, for the purposes of  
16 venue, it is permissible to aggregate all nonpayments or underpayments  
17 to one person from one person, into one larceny count, even if the  
18 nonpayments or underpayments occurred in multiple counties. It is also  
19 permissible to aggregate nonpayments or underpayments from a workforce  
20 into one larceny count even if such nonpayments or underpayments  
21 occurred in multiple counties[+]; or

22 (g) By deed theft.

23 A person commits deed theft when he or she:

24 (i) intentionally alters, falsifies, forges, or misrepresents a prop-  
25 erty document such as a residential or commercial deed or title, with  
26 the intent to deceive, defraud or unlawfully transfer or encumber the  
27 ownership rights of a residential or commercial property; or

28 (ii) with intent to defraud, misrepresents themselves as the owner or  
29 authorized representative of residential or commercial real property to  
30 induce others to rely on such false information in order to obtain  
31 ownership or possession of such real property; or

32 (iii) with intent to defraud, takes, obtains, steals, or transfers  
33 title or ownership of real property by fraud, forgery, larceny, or any  
34 other fraudulent or deceptive practice.

35 § 4. Section 155.35 of the penal law, as amended by chapter 464 of the  
36 laws of 2010, is amended to read as follows:

37 § 155.35 Grand larceny in the third degree.

38 A person is guilty of grand larceny in the third degree when he or she  
39 steals property and:

40 1. when the value of the property exceeds three thousand dollars, or

41 2. the property is an automated teller machine or the contents of an  
42 automated teller machine[+], or

43 3. when such person commits deed theft of one commercial real proper-  
44 ty, regardless of the value.

45 Grand larceny in the third degree is a class D felony.

46 § 5. Section 155.40 of the penal law, as amended by chapter 515 of the  
47 laws of 1986, is amended to read as follows:

48 § 155.40 Grand larceny in the second degree.

49 A person is guilty of grand larceny in the second degree when he or  
50 she steals property and when:

51 1. The value of the property exceeds fifty thousand dollars; or

52 2. The property, regardless of its nature and value, is obtained by  
53 extortion committed by instilling in the victim a fear that the actor or  
54 another person will (a) cause physical injury to some person in the  
55 future, or (b) cause damage to property, or (c) use or abuse his or her  
56 position as a public servant by engaging in conduct within or related to

1 his or her official duties, or by failing or refusing to perform an  
2 official duty, in such manner as to affect some person adversely[+]; or  
3 3. Such person commits deed theft, regardless of the value, of: (a)  
4 one residential real property; or (b) one commercial mixed-use property  
5 with at least one residential unit; or (c) two or more commercial prop-  
6 erties.

7 Grand larceny in the second degree is a class C felony.

8 § 6. Section 155.42 of the penal law, as added by chapter 515 of the  
9 laws of 1986, is amended to read as follows:

10 § 155.42 Grand larceny in the first degree.

11 A person is guilty of grand larceny in the first degree when:

12 1. he or she steals property and when the value of the property  
13 exceeds one million dollars[+]; or

14 2. such person commits deed theft, regardless of the value, of (a)  
15 residential real property that is occupied as a home by at least one  
16 person; or (b) residential real property that involves a home that is  
17 owned by an elderly person, an incompetent, an incapacitated person, or  
18 physically disabled person; or (c) three or more residential real prop-  
19 erties.

20 Grand larceny in the first degree is a class B felony.

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

23 3. "Residential real property" means real property that is used or  
24 occupied, or intended to be used or occupied, wholly or partly, as the  
25 home or residence of one or more persons, including real property that  
26 is improved by a one-to-four family dwelling, or a residential unit in a  
27 building including units owned as condominiums or on a cooperative  
28 basis, used or occupied, or intended to be used or occupied, wholly or  
29 partly, as the home or residence of one or more persons, but shall not  
30 refer to unimproved real property upon which such dwellings are to be  
31 constructed.

32 § 8. Section 63 of the executive law is amended by adding a new subdi-  
33 vision 17 to read as follows:

34 17. The attorney general may investigate and prosecute every person or  
35 entity charged with the commission of a criminal offense in violation of  
36 the laws of this state applicable to any crime that affects the title  
37 to, encumbrance of, or the possession of real property, including but  
38 not limited to deed theft, larceny, criminal possession of stolen prop-  
39 erty, offering a false instrument for filing, falsifying business  
40 records, residential mortgage fraud, or scheme to defraud. In all such  
41 proceedings, the attorney general may appear in person or by his or her  
42 deputy before any court of record or any grand jury and exercise all the  
43 powers and perform all the duties in respect of such actions or  
44 proceedings which the district attorney would otherwise be authorized or  
45 required to exercise or perform.

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