

# STATE OF NEW YORK

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9143

2025-2026 Regular Sessions

## IN ASSEMBLY

October 17, 2025

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

AN ACT to amend the penal law, in relation to establishing a rebuttable presumption in certain crimes against an elderly, incompetent or incapacitated person

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

1 Section 1. The penal law is amended by adding a new section 155.44 to  
2 read as follows:

3 § 155.44 Rebuttable presumption regarding elderly, incompetent or inca-  
4 pacitated victims.

5 There shall be a rebuttable presumption that any transfer of money or  
6 property valued in excess of ten thousand dollars at the time of the  
7 transfer, whether in a single transaction or multiple transactions, by a  
8 person who is elderly, incompetent or incapacitated to a non-benefici-  
9 ary, and for which the transferor did not receive the reasonably equiv-  
10 alent financial value in goods or services, was a wrongful taking under  
11 this article.

12 § 2. This act shall take effect immediately and shall apply to crimi-  
13 nal proceedings commenced on or after such effective date.

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

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