

STATE OF NEW YORK

7307

2025-2026 Regular Sessions

IN SENATE

April 9, 2025

Introduced by Sen. CLEARE -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the penal law, in relation to theft of property from a senior citizen and creating the class E felony of fraudulent accosting in the first degree

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

1 Section 1. Section 155.30 of the penal law is amended by adding a new
2 subdivision 13 to read as follows:

3 13. The value of the property exceeds two hundred fifty dollars and is
4 taken from a person who is sixty-five years of age or older.

5 § 2. Section 165.30 of the penal law, as amended by chapter 772 of the
6 laws of 1971, is amended to read as follows:

7 § 165.30 Fraudulent accosting in the second degree.

8 1. A person is guilty of fraudulent accosting in the second degree
9 when [~~he~~] such person accosts [~~a~~] another person in a public place with
10 intent to defraud [~~him~~] such other person of money or other property by
11 means of a trick, swindle or confidence game.

12 2. A person who, either at the time [~~he~~] such person accosts another
13 in a public place or at some subsequent time or at some other place,
14 makes statements to [~~him~~] such other person or engages in conduct with
15 respect to [~~him~~] such other person of a kind commonly made or performed
16 in the perpetration of a known type of confidence game, is presumed to
17 intend to defraud such other person of money or other property.

18 Fraudulent accosting in the second degree is a class A misdemeanor.

19 § 3. The penal law is amended by adding a new section 165.31 to read
20 as follows:

21 § 165.31 Fraudulent accosting in the first degree.

22 1. A person is guilty of fraudulent accosting in the first degree when
23 such person accosts another person, who is sixty-five years of age or

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

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1 older, in a public place with intent to defraud such other person of
2 money or other property by means of a trick, swindle or confidence game.

3 2. A person who, either at the time such person accosts another in a
4 public place or at some subsequent time or at some other place, makes
5 statements to such other person or engages in conduct with respect to
6 such other person of a kind commonly made or performed in the perpe-
7 tration of a known type of confidence game, is presumed to intend to
8 defraud such other person of money or other property.

9 Fraudulent accosting in the first degree is a class E felony.

10 § 4. This act shall take effect on the first of November next succeed-
11 ing the date on which it shall have become a law.