STATE OF NEW YORK

9143--A

2025-2026 Regular Sessions

IN ASSEMBLY

October 17, 2025

Introduced by M. of A. LAVINE -- read once and referred to the Committee on Codes -- recommitted to the Committee on Codes in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the penal law, in relation to evidence in certain crimes against a vulnerable elderly, physically disabled, incompetent or incapacitated person

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 Rebuttable presumption regarding vulnerable elderly, physically disabled, incompetent or incapacitated victims.

1. In any prosecution under this article, evidence that any transfer of money or property valued in excess of three thousand dollars at the time of the transfer, whether in a single transaction or multiple transactions, by a vulnerable elderly person, an incompetent or physically disabled person, or a person who has been determined to be incapacitated under article eighty-one of the mental hygiene law, and for which the transferor did not receive fair considerations permits an inference that the transaction was a wrongful taking under this article. Such inference, if reasonable based on the totality of the circumstances, shall constitute legally sufficient evidence to establish wrongful taking without requiring testimony from the alleged victim regarding consent or authorization.

2. The inference permitted under this section shall apply to any transactions that occurred after the onset of the disease, infirmity, or other condition that rendered the transferor unable to consent to the transaction.

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

LBD13517-02-6

3. Such inference shall not apply to any transactions made pursuant to a power of attorney validly executed pursuant to the provisions of section 5-1501B of the general obligations law.

§ 2. This act shall take effect immediately and shall apply to criminal proceedings commenced on or after such effective date.