

885

2011-2012 Regular Sessions

I N S E N A T E

(PREFILED)

January 5, 2011

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

AN ACT to amend the criminal procedure law, in relation to expanding the geographical jurisdiction for crimes attendant to identify theft or unlawful possession of personal identification information

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Section 20.10 of the criminal procedure law is amended by
2 adding a new subdivision 5 to read as follows:
3 5. "CRIMINAL TRANSACTION." WHEN CONDUCT WHICH ESTABLISHES AT LEAST ONE
4 OFFENSE, AND WHICH IS COMPRISED OF TWO OR MORE OR A GROUP OF ACTS EITHER
5 (A) SO CLOSELY RELATED AND CONNECTED IN POINT OF TIME AND CIRCUMSTANCE
6 OF COMMISSION AS TO CONSTITUTE A SINGLE CRIMINAL INCIDENT, OR (B) SO
7 CLOSELY RELATED IN CRIMINAL PURPOSE OR OBJECTIVE AS TO CONSTITUTE
8 ELEMENTS OR INTEGRAL PARTS OF A SINGLE CRIMINAL VENTURE.
9 S 2. Paragraph (1) of subdivision 4 of section 20.40 of the criminal
10 procedure law, as amended by chapter 346 of the laws of 2007, is amended
11 to read as follows:
12 (1) [An] NOTWITHSTANDING ANY PROVISION OF THIS SUBDIVISION TO THE
13 CONTRARY, AN offense of identity theft or unlawful possession of
14 personal identification information [may], TOGETHER WITH AN ADDITIONAL
15 OFFENSE OR OFFENSES ARISING FROM THE SAME CRIMINAL TRANSACTION, SHALL be
16 prosecuted (i) in any county in which part of [the] SUCH IDENTITY THEFT
17 ON UNLAWFUL POSSESSION OF PERSONAL IDENTIFICATION INFORMATION offense
18 took place regardless of whether the defendant was actually present in
19 such county, or (ii) in the county in which the person who suffers
20 financial loss resided at the time of the commission of [the] SUCH IDEN-
21 TITY THEFT ON UNLAWFUL POSSESSION OF PERSONAL IDENTIFICATION INFORMATION
22 offense, or (iii) in the county where the person whose personal iden-
23 tification information was used in the commission of [the] SUCH IDENTIFY

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

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1 THEFT ON UNLAWFUL POSSESSION OF PERSONAL IDENTIFICATION INFORMATION
2 offense resided at the time of the commission of the offense. The law
3 enforcement agency of any such county shall take a police report of the
4 matter and provide the complainant with a copy of such report at no
5 charge.

6 S 3. This act shall take effect on the one hundred eightieth day after
7 it shall have become a law.