S T A T E O F N E W Y O R K

129

2013-2014 Regular Sessions

I N S E N A T E

(PREFILED)

January 9, 2013

Introduced by Sen. PERALTA -- 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 forged instruments and the sale thereof

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

Section 1. Section 170.00 of the penal law is amended by adding a new subdivision 9 to read as follows:

9. "SELL" MEANS TO SELL, EXCHANGE, GIVE OR DISPOSE OF TO ANOTHER, OR OFFER OR AGREE TO DO THE SAME.

S 2. Section 170.05 of the penal law is amended to read as follows:

S 170.05 Forgery in the third degree.

A person is guilty of forgery in the third degree when[, with]:

1. WITH intent to defraud, deceive or injure another, he OR SHE falsely makes, completes or alters a written instrument[.]; OR

2. WITH KNOWLEDGE THAT IT IS FORGED AND WITH INTENT TO DEFRAUD, DECEIVE OR INJURE ANOTHER, HE OR SHE SELLS A FORGED INSTRUMENT.

Forgery in the third degree is a class A misdemeanor.

S 3. Section 170.10 of the penal law, subdivision 1 as amended by chapter 949 of the laws of 1984, is amended to read as follows:

S 170.10 Forgery in the second degree.

A person is guilty of forgery in the second degree when[, with]:

1. WITH intent to defraud, deceive or injure another, he OR SHE falsely makes, completes or alters a written instrument which is or purports to be, or which is calculated to become or to represent if completed:

[1.] (A) A deed, will, codicil, contract, assignment, commercial instrument, credit card, as that term is defined in subdivision seven of section 155.00, or other instrument which does or may evidence, create, transfer, terminate or otherwise affect a legal right, interest, obligation or status; or

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

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[2.] (B) A public record, or an instrument filed or required or authorized by law to be filed in or with a public office or public servant; or

[3. A written instrument officially issued or created by a public office, public servant or governmental instrumentality; or

4.] (C) Part of an issue of tokens, public transportation transfers, certificates or other articles manufactured and designed for use as symbols of value usable in place of money for the purchase of property or services; or

[5.] (D) A prescription of a duly licensed physician or other person authorized to issue the same for any drug or any instrument or device used in the taking or administering of drugs for which a prescription is required by law[.]; OR

2. WITH KNOWLEDGE THAT IT IS FORGED AND WITH INTENT TO DEFRAUD, DECEIVE OR INJURE ANOTHER, HE OR SHE SELLS ANY FORGED INSTRUMENT OF A KIND SPECIFIED IN SUBDIVISION ONE OF THIS SECTION.

Forgery in the second degree is a class D felony.

S 4. Section 170.15 of the penal law is amended to read as follows:

S 170.15 Forgery in the first degree.

A person is guilty of forgery in the first degree when[, with]:

1. WITH intent to defraud, deceive or injure another, he OR SHE falsely makes, completes or alters a written instrument which is or purports to be, or which is calculated to become or to represent if completed:

[1.] (A) Part of an issue of money, stamps, securities or other valuable instruments issued by a government or governmental instrumentality; or

[2.] (B) Part of an issue of stock, bonds or other instruments representing interests in or claims against a corporate or other organization or its property[.]; OR

(C) A WRITTEN INSTRUMENT OFFICIALLY ISSUED OR CREATED BY A PUBLIC OFFICE, PUBLIC SERVANT OR GOVERNMENTAL INSTRUMENTALITY; OR

2. WITH KNOWLEDGE THAT IT IS FORGED AND WITH INTENT TO DEFRAUD, DECEIVE OR INJURE ANOTHER, HE OR SHE SELLS ANY FORGED INSTRUMENT OF A KIND SPECIFIED IN SUBDIVISION ONE OF THIS SECTION.

Forgery in the first degree is a class C felony.

S 5. The penal law is amended by adding a new section 170.26 to read as follows:

S 170.26 CRIMINAL POSSESSION OF A FORGED INSTRUMENT; PRESUMPTION.

A PERSON WHO POSSESSES TWO OR MORE FORGED INSTRUMENTS OF A KIND SPECIFIED IN PARAGRAPH (C) OF SUBDIVISION ONE OF SECTION 170.15, IDENTIFYING ANOTHER PERSON OR PERSONS, WITH KNOWLEDGE THAT SUCH INSTRUMENTS ARE FORGED AND WITH INTENT TO DEFRAUD, DECEIVE OR INJURE ANOTHER, SHALL BE PRESUMED TO POSSESS SUCH FORGED INSTRUMENTS WITH INTENT TO SELL THEM IN VIOLATION OF SUBDIVISION TWO OF SECTION 170.15 OF THIS ARTICLE.

S 6. Section 170.25 of the penal law is amended to read as follows:

S 170.25 Criminal possession of a forged instrument in the second degree.

A person is guilty of criminal possession of a forged instrument in the second degree when, with knowledge that it is forged and with intent to defraud, deceive or injure another, he OR SHE utters or possesses any forged instrument of a kind specified in SUBDIVISION ONE OF section 170.10 OR PARAGRAPH (C) OF SUBDIVISION ONE OF SECTION 170.15.

Criminal possession of a forged instrument in the second degree is a class D felony.

S 7. Section 170.30 of the penal law is amended to read as follows:

S 170.30 Criminal possession of a forged instrument in the first degree.

A person is guilty of criminal possession of a forged instrument in the first degree when, with knowledge that it is forged and with intent to defraud, deceive or injure another, he OR SHE utters or possesses any forged instrument of a kind specified in PARAGRAPH (A) OR (B) OF SUBDIVISION ONE OF section 170.15.

Criminal possession of a forged instrument in the first degree is a class C felony.

S 8. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.