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

4754

2009-2010 Regular Sessions

I N A S S E M B L Y

February 6, 2009

Introduced by M. of A. CLARK, PHEFFER, PERRY, ORTIZ, ROBINSON, GALEF, GABRYSZAK, ALFANO -- Multi-Sponsored by -- M. of A. BACALLES, BALL, BARRA, BOYLAND, CROUCH, DIAZ, ERRIGO, FINCH, GOTTFRIED, HOOPER, JEFFRIES, MAGEE, MAYERSOHN, McDONOUGH, McENENY, MOLINARO, SWEENEY, TOWNS, WALKER, WEISENBERG -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to establishing the crimes of false identification in the first and second degree

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 two new sections 190.87 and 190.88 to read as follows:

S 190.87 FALSE IDENTIFICATION IN THE SECOND DEGREE.

A PERSON IS GUILTY OF FALSE IDENTIFICATION IN THE SECOND DEGREE WHEN, WITH INTENT TO FACILITATE THE FALSE IDENTIFICATION OF ANOTHER PERSON, AND WHICH FALSE IDENTIFICATION IS IN FURTHERANCE OF VIOLATING, CIRCUMVENTING OR OTHERWISE EVADING ANY STATUTORY PROHIBITION OR REQUIREMENT, HE OR SHE KNOWINGLY MANUFACTURES, DISTRIBUTES, OR SELLS ANY DOCUMENT TO FACILITATE SUCH FALSE IDENTIFICATION. SUCH FALSE IDENTIFICATION SHALL INCLUDE, BUT NOT BE LIMITED TO, MISREPRESENTATIONS REGARDING THE PERSON'S ACTUAL NAME OR DATE OF BIRTH.

FALSE IDENTIFICATION IN THE SECOND DEGREE IS A CLASS A MISDEMEANOR.

S 190.88 FALSE IDENTIFICATION IN THE FIRST DEGREE.

A PERSON IS GUILTY OF FALSE IDENTIFICATION IN THE FIRST DEGREE WHEN, WITH INTENT TO FACILITATE THE FALSE IDENTIFICATION OF A MINOR, AND WHICH FALSE IDENTIFICATION IS IN FURTHERANCE OF VIOLATING, CIRCUMVENTING OR OTHERWISE EVADING ANY STATUTORY PROHIBITION OR REQUIREMENT, HE OR SHE KNOWINGLY MANUFACTURES, DISTRIBUTES, OR SELLS ANY DOCUMENT TO FACILITATE SUCH FALSE IDENTIFICATION. SUCH FALSE IDENTIFICATION SHALL INCLUDE, BUT NOT BE LIMITED TO, MISREPRESENTATIONS REGARDING THE MINOR'S ACTUAL NAME OR DATE OF BIRTH.

FALSE IDENTIFICATION IN THE FIRST DEGREE IS A CLASS E FELONY.

S 2. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.

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

LBD07157-01-9