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

1420

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. WRIGHT, ENGLEBRIGHT -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to obtaining identity by electronic fraud

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

Section 1. Section 190.84 of the penal law is renumbered section 190.87 and a new section 190.84 is added to read as follows:

S 190.84 OBTAINING IDENTITY BY ELECTRONIC FRAUD.

A PERSON IS GUILTY OF OBTAINING IDENTITY BY ELECTRONIC FRAUD WHEN HE OR SHE KNOWINGLY AND WILLFULLY SOLICITS, REQUESTS OR TAKES ANY ACTION BY MEANS OF A FRAUDULENT ELECTRONIC COMMUNICATION WITH THE INTENT TO OBTAIN THE PERSONAL IDENTIFYING INFORMATION OF ANOTHER.

AS USED IN THIS SECTION "FRAUDULENT ELECTRONIC COMMUNICATION" MEANS A COMMUNICATION BY A PERSON THAT IS AN ELECTRONIC MAIL MESSAGE, WEB SITE OR ANY OTHER USE OF THE INTERNET THAT CONTAINS FRAUDULENT, FALSE, FICTITIOUS OR MISLEADING INFORMATION THAT DEPICTS OR INCLUDES THE NAME, LOGO, WEB SITE ADDRESS, EMAIL ADDRESS, POSTAL ADDRESS, TELEPHONE NUMBER OR ANY OTHER IDENTIFYING INFORMATION OF A BUSINESS, ORGANIZATION OR STATE AGENCY, TO WHICH THE PERSON HAS NO LEGITIMATE CLAIM OF RIGHT.

OBTAINING IDENTITY BY ELECTRONIC FRAUD IS A CLASS D 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.

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