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

1869

2009-2010 Regular Sessions

I N A S S E M B L Y

January 12, 2009

Introduced by M. of A. PHEFFER, COLTON, PERALTA, DINOWITZ, REILLY, BENEDETTO, GALEF, CARROZZA -- Multi-Sponsored by -- M. of A. MAISEL, PEOPLES, SCARBOROUGH -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to establishing the crime of unlawful possession of an identity scanning device

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 190.87 to read as follows:

S 190.87 UNLAWFUL POSSESSION OF AN IDENTITY SCANNING DEVICE.

A PERSON IS GUILTY OF UNLAWFUL POSSESSION OF AN IDENTITY SCANNING DEVICE WHEN HE OR SHE POSSESSES ANY TOOL, INSTRUMENT OR OTHER ARTICLE ADAPTED, DESIGNED OR COMMONLY USED FOR COMMITTING OR FACILITATING OFFENSES INVOLVING ACCESSING A PERSON'S FINANCIAL SERVICES ACCOUNT NUMBER OR CODE, SAVINGS ACCOUNT NUMBER OR CODE, CHECKING ACCOUNT NUMBER OR CODE, BROKERAGE ACCOUNT NUMBER OR CODE, CREDIT CARD ACCOUNT NUMBER OR CODE, DEBIT CARD NUMBER OR CODE, AUTOMATED TELLER MACHINE NUMBER OR CODE, PERSONAL IDENTIFICATION NUMBER, MOTHER'S MAIDEN NAME, COMPUTER SYSTEM PASSWORD, ELECTRONIC SIGNATURE OR UNIQUE BIOMETRIC DATA THAT IS A FINGERPRINT, VOICE PRINT, RETINAL IMAGE OR IRIS IMAGE OF ANOTHER PERSON UNDER CIRCUMSTANCES EVINCING AN INTENT TO USE OR KNOWLEDGE THAT SOME PERSON INTENDS TO USE THE SAME IN THE COMMISSION OF AN OFFENSE IN VIOLATION OF SECTION 190.78, 190.79, 190.80, 190.81, 190.82 OR 190.83 OF THIS ARTICLE.

UNLAWFUL POSSESSION OF AN IDENTITY SCANNING DEVICE 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.

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