

2449

2009-2010 Regular Sessions

I N A S S E M B L Y

January 15, 2009

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

AN ACT to amend the penal law, in relation to making identity theft
against a person age sixty-five or older a class D felony

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

1 Section 1. Subdivision 4 of section 190.80 of the penal law, as
2 amended by chapter 279 of the laws of 2008, is amended and a new subdi-
3 vision 5 is added to read as follows:
4 4. commits the crime of identity theft in the second degree as defined
5 in section 190.79 of this article and has been previously convicted
6 within the last five years of identity theft in the third degree as
7 defined in section 190.78, identity theft in the second degree as
8 defined in section 190.79, identity theft in the first degree as defined
9 in this section, unlawful possession of personal identification informa-
10 tion in the third degree as defined in section 190.81, unlawful
11 possession of personal identification information in the second degree
12 as defined in section 190.82, unlawful possession of personal identifi-
13 cation information in the first degree as defined in section 190.83,
14 unlawful possession of a skimmer device in the second degree as defined
15 in section 190.85, unlawful possession of a skimmer device in the first
16 degree as defined in section 190.86, grand larceny in the fourth degree
17 as defined in section 155.30, grand larceny in the third degree as
18 defined in section 155.35, grand larceny in the second degree as defined
19 in section 155.40 or grand larceny in the first degree as defined in
20 section 155.42 of this chapter[.]; OR
21 5. OBTAINS GOODS, MONEY, PROPERTY OR SERVICES OR USES CREDIT IN THE
22 NAME OF A PERSON AGE SIXTY-FIVE OR OLDER OR CAUSES FINANCIAL LOSS TO A
23 PERSON AGE SIXTY-FIVE OR OLDER.
24 S 2. This act shall take effect on the first of November next succeed-
25 ing 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.

LBD03739-01-9