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

2838

2009-2010 Regular Sessions

I N A S S E M B L Y

January 21, 2009

Introduced by M. of A. KOLB, OAKS, ERRIGO, BURLING, WALKER, GIGLIO, McKEVITT -- Multi-Sponsored by -- M. of A. AMEDORE, BACALLES, BALL, BARCLAY, CONTE, CROUCH, P. LOPEZ, REILICH, TOWNSEND -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to establishing the crime of unlawful sale of personal identifying information

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 three new sections 190.87, 190.88 and 190.89 to read as follows:

S 190.87 PERSONAL IDENTIFYING INFORMATION; DEFINITION.

FOR THE PURPOSES OF SECTIONS 190.88 AND 190.89 OF THIS ARTICLE, THE TERM "PERSONAL IDENTIFYING INFORMATION" INCLUDES A BIRTH CERTIFICATE, CHECKING ACCOUNT NUMBERS, CREDIT CARD NUMBERS, DEBIT CARD NUMBERS, DRIVERS LICENSE NUMBERS, PASSPORT NUMBERS, PERSONAL IDENTIFICATION NUMBERS (PIN), SAVINGS ACCOUNT NUMBERS, SOCIAL SECURITY NUMBERS, AND TAXPAYER IDENTIFICATION NUMBERS.

S 190.88 UNLAWFUL SALE OF PERSONAL IDENTIFYING INFORMATION IN THE SECOND DEGREE.

A PERSON IS GUILTY OF UNLAWFUL SALE OF PERSONAL IDENTIFYING INFORMATION IN THE SECOND DEGREE WHEN HE OR SHE KNOWINGLY SELLS OR OFFERS TO SELL A PERSON'S PERSONAL IDENTIFYING INFORMATION.

UNLAWFUL SALE OF PERSONAL IDENTIFYING INFORMATION IN THE SECOND DEGREE IS A CLASS E FELONY.

S 190.89 UNLAWFUL SALE OF PERSONAL IDENTIFYING INFORMATION IN THE FIRST DEGREE.

A PERSON IS GUILTY OF UNLAWFUL SALE OF PERSONAL IDENTIFYING INFORMATION IN THE FIRST DEGREE WHEN:

1. HE OR SHE HAS BEEN PREVIOUSLY CONVICTED WITHIN THE LAST FIVE YEARS OF UNLAWFUL SALE OF PERSONAL IDENTIFYING INFORMATION IN THE SECOND DEGREE AS DEFINED IN SECTION 190.88 OF THIS ARTICLE; OR

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

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2. HE OR SHE KNOWINGLY SELLS OR OFFERS TO SELL FIFTY OR MORE PERSONS' PERSONAL IDENTIFYING INFORMATION; OR

3. WITH INTENT TO FURTHER THE COMMISSION OF UNLAWFUL SALE OF PERSONAL IDENTIFYING INFORMATION IN THE SECOND DEGREE, HE OR SHE SUPERVISES MORE THAN THREE ACCOMPLICES.

UNLAWFUL SALE OF PERSONAL IDENTIFYING INFORMATION IN THE FIRST DEGREE 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.