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

3042

2009-2010 Regular Sessions

I N  A S S E M B L Y

January 22, 2009

Introduced by M. of A. KOLB, REILICH, FINCH, REILLY, OAKS, O'MARA, ERRIGO, BALL -- Multi-Sponsored by -- M. of A. ALFANO, AMEDORE, BACALLES, BARCLAY, BURLING, BUTLER, CALHOUN, CHRISTENSEN, COLTON, CONTE, CROUCH, DUPREY, FIELDS, GIGLIO, HAWLEY, HAYES, JEFFRIES, P. LOPEZ, MAYERSOHN, McDONOUGH, McKEVITT, MOLINARO, QUINN, RABBITT, RAIA, SALADINO, SAYWARD -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to establishing the crime of unlawful purchase or sale of a social security account number

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 UNLAWFUL PURCHASE OR SALE OF A SOCIAL SECURITY ACCOUNT NUMBER IN THE SECOND DEGREE.

A PERSON IS GUILTY OF UNLAWFUL PURCHASE OR SALE OF A SOCIAL SECURITY ACCOUNT NUMBER IN THE SECOND DEGREE WHEN HE OR SHE SELLS OR OFFERS TO SELL OR HE OR SHE PURCHASES OR OFFERS TO PURCHASE ANOTHER PERSON'S SOCIAL SECURITY ACCOUNT NUMBER AND:

1. HE OR SHE KNOWS OR REASONABLY SHOULD KNOW THAT SUCH ACCOUNT NUMBER IS INTENDED TO BE USED TO DEFRAUD, DECEIVE OR INJURE ANOTHER; OR

2. HE OR SHE KNOWS OR REASONABLY SHOULD KNOW THAT THE USE OF SUCH ACCOUNT NUMBER WOULD CONSTITUTE A VIOLATION OF THIS CHAPTER.

UNLAWFUL PURCHASE OR SALE OF A SOCIAL SECURITY ACCOUNT NUMBER IN THE SECOND DEGREE IS A CLASS E FELONY.

S 190.88 UNLAWFUL PURCHASE OR SALE OF A SOCIAL SECURITY ACCOUNT NUMBER IN THE FIRST DEGREE.

A PERSON IS GUILTY OF UNLAWFUL PURCHASE OR SALE OF A SOCIAL SECURITY ACCOUNT NUMBER IN THE FIRST DEGREE WHEN:

1. HE OR SHE COMMITS THE CRIME OF UNLAWFUL PURCHASE OR SALE OF A SOCIAL SECURITY ACCOUNT NUMBER IN THE SECOND DEGREE; AND

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

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(A) HE OR SHE HAS BEEN PREVIOUSLY CONVICTED WITHIN THE LAST FIVE YEARS OF UNLAWFUL PURCHASE OR SALE OF A SOCIAL SECURITY ACCOUNT NUMBER IN THE SECOND DEGREE AS DEFINED IN SECTION 190.87 OF THIS ARTICLE; OR

(B) HE OR SHE KNOWINGLY SELLS OR OFFERS TO SELL OR PURCHASES OR OFFERS TO PURCHASE FIFTY OR MORE PERSONS' SOCIAL SECURITY ACCOUNT NUMBERS; OR

2. WITH INTENT TO FURTHER THE COMMISSION OF UNLAWFUL PURCHASE OR SALE OF A SOCIAL SECURITY ACCOUNT NUMBER IN THE SECOND DEGREE, HE OR SHE SUPERVISES MORE THAN THREE ACCOMPLICES.

UNLAWFUL PURCHASE OR SALE OF A SOCIAL SECURITY ACCOUNT NUMBER 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.