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

5916

2009-2010 Regular Sessions

I N A S S E M B L Y

February 23, 2009

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

AN ACT to amend the penal law, in relation to creating the crime of identity theft in the fourth degree

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 190.77-a to read as follows:

S 190.77-A IDENTITY THEFT IN THE FOURTH DEGREE.

A PERSON IS GUILTY OF IDENTITY THEFT IN THE FOURTH DEGREE WHEN HE OR SHE KNOWINGLY AND WITH INTENT TO DEFRAUD ATTEMPTS TO ASSUME THE IDENTITY OF ANOTHER PERSON BY PRESENTING HIMSELF OR HERSELF AS THAT OTHER PERSON, OR BY ACTING AS THAT OTHER PERSON OR BY USING PERSONAL IDENTIFYING INFORMATION OF THAT OTHER PERSON, FOR THE PURPOSE OF:

1. OBTAINING GOODS, MONEY, PROPERTY OR SERVICES OR USES CREDIT IN THE NAME OF SUCH OTHER PERSON OR CAUSES FINANCIAL LOSS TO SUCH PERSON OR TO ANOTHER PERSON OR PERSONS; OR

2. COMMITTING A CLASS A MISDEMEANOR OR HIGHER LEVEL CRIME.

IDENTITY THEFT IN THE FOURTH DEGREE IS A CLASS A MISDEMEANOR.

S 2. This act shall take effect on the one hundred twentieth day after it shall have become a law.

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

LBD02052-01-9