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

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I N A S S E M B L Y

January 13, 2011

Introduced by M. of A. REILICH, FINCH, WEISENBERG -- Multi-Sponsored by -- M. of A. BARCLAY, COLTON, CROUCH, GIGLIO, McDONOUGH, OAKS -- read once and referred to the Committee on Codes

AN ACT to amend the criminal procedure law, in relation to destruction and sealing of certain court and police records and the issuance of an identity theft passport

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

Section 1. The criminal procedure law is amended by adding a new section 160.65 to read as follows:

S 160.65 EXPUNGEMENT OF FALSE IDENTITY INFORMATION FROM POLICE AND COURT RECORDS; IDENTITY THEFT PASSPORT.

ANY PERSON WHOSE NAME OR OTHER IDENTIFICATION HAS BEEN USED WITHOUT HIS OR HER CONSENT OR AUTHORIZATION BY ANOTHER PERSON WHO HAS BEEN CHARGED OR ARRESTED USING SUCH NAME OR IDENTIFICATION MAY FILE A PETITION WITH THE COURT FOR RELIEF PURSUANT TO SECTION 160.50 OF THIS ARTICLE. A PERSON WHO HAS PETITIONED THE COURT TO SEAL OR DESTROY RECORDS PURSUANT TO SECTION 160.50 OF THIS ARTICLE AS A RESULT OF A VIOLATION RELATING TO IDENTITY THEFT UNDER ARTICLE ONE HUNDRED NINETY OF THE PENAL LAW AGAINST SUCH PERSON MAY SUBMIT TO THE ATTORNEY GENERAL A CERTIFIED COPY OF A COURT ORDER OBTAINED PURSUANT TO SECTION 160.50 OF THIS ARTICLE. THE ATTORNEY GENERAL, IN COOPERATION WITH THE STATE POLICE, MAY ISSUE AN "IDENTITY THEFT PASSPORT" STATING THAT SUCH AN ORDER HAS BEEN SUBMITTED AND MAY INCLUDE THE VICTIM'S PHOTOGRAPH AND A FINGERPRINT RECORD. THE ATTORNEY GENERAL MAY PROVIDE ACCESS TO IDENTITY THEFT INFORMATION TO CRIMINAL JUSTICE AGENCIES AND INDIVIDUALS WHO HAVE SUBMITTED A COURT ORDER PURSUANT TO THIS SECTION. WHEN THE ATTORNEY GENERAL ISSUES AN IDENTITY THEFT PASSPORT, IT SHALL TRANSMIT A RECORD OF THE ISSUANCE OF THE PASSPORT TO THE DEPARTMENT OF MOTOR VEHICLES. SUCH DEPARTMENT SHALL NOTE ON THE INDIVIDUAL'S DRIVER ABSTRACT THAT A COURT ORDER WAS OBTAINED PURSUANT TO SECTION 160.50 OF THIS ARTICLE AND THAT AN IDENTITY THEFT PASSPORT HAS BEEN ISSUED.

S 2. This act shall take effect immediately.

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

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