

S. 3128

A. 4916

2011-2012 Regular Sessions

S E N A T E - A S S E M B L Y

February 9, 2011

IN SENATE -- Introduced by Sen. KRUGER -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

IN ASSEMBLY -- 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 ASSEMBLY, 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 subdivision 5 is added to read as follows:
3 4. commits the crime of identity theft in the second degree as defined
4 in section 190.79 of this article and has been previously convicted
5 within the last five years of identity theft in the third degree as
6 defined in section 190.78, identity theft in the second degree as
7 defined in section 190.79, identity theft in the first degree as defined
8 in this section, unlawful possession of personal identification information in the third degree as defined in section 190.81, unlawful
9 possession of personal identification information in the second degree
10 as defined in section 190.82, unlawful possession of personal identification information in the first degree as defined in section 190.83,
11 unlawful possession of a skimmer device in the second degree as defined
12 in section 190.85, unlawful possession of a skimmer device in the first
13 degree as defined in section 190.86, grand larceny in the fourth degree
14 as defined in section 155.30, grand larceny in the third degree as
15 defined in section 155.35, grand larceny in the second degree as defined
16 in section 155.40 or grand larceny in the first degree as defined in
17 section 155.42 of this chapter[.]; OR
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EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [] is old law to be omitted.

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1 5. OBTAINS GOODS, MONEY, PROPERTY OR SERVICES OR USES CREDIT IN THE
2 NAME OF A PERSON AGE SIXTY-FIVE OR OLDER OR CAUSES FINANCIAL LOSS TO A
3 PERSON AGE SIXTY-FIVE OR OLDER.
4 S 2. This act shall take effect on the first of November next succeed-
5 ing the date on which it shall have become a law.