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I N S E N A T E

October 26, 2012

Introduced by Sen. PERALTA -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the penal law, in relation to including certain computer offenses, criminal use of an access device, identity theft and unlawful possession of personal identification information or a skimmer device within the definition of "criminal act" for purposes of enterprise corruption

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

1 Section 1. Paragraph (a) of subdivision 1 of section 460.10 of the
2 penal law, as amended by chapter 405 of the laws of 2010, is amended to
3 read as follows:
4 (a) Any of the felonies set forth in this chapter: sections 120.05,
5 120.10 and 120.11 relating to assault; sections 121.12 and 121.13 relat-
6 ing to strangulation; sections 125.10 to 125.27 relating to homicide;
7 sections 130.25, 130.30 and 130.35 relating to rape; sections 135.20 and
8 135.25 relating to kidnapping; section 135.35 relating to labor traf-
9 ficking; section 135.65 relating to coercion; sections 140.20, 140.25
10 and 140.30 relating to burglary; sections 145.05, 145.10 and 145.12
11 relating to criminal mischief; article one hundred fifty relating to
12 arson; sections 155.30, 155.35, 155.40 and 155.42 relating to grand
13 larceny; SECTIONS 156.10, 156.25, 156.26, 156.27, 156.30 AND 156.35
14 RELATING TO OFFENSES INVOLVING COMPUTERS; sections 177.10, 177.15,
15 177.20 and 177.25 relating to health care fraud; article one hundred
16 sixty relating to robbery; sections 165.45, 165.50, 165.52 and 165.54
17 relating to criminal possession of stolen property; sections 165.72 and
18 165.73 relating to trademark counterfeiting; sections 170.10, 170.15,
19 170.25, 170.30, 170.40, 170.65 and 170.70 relating to forgery; sections
20 175.10, 175.25, 175.35, 175.40 and 210.40 relating to false statements;
21 sections 176.15, 176.20, 176.25 and 176.30 relating to insurance fraud;
22 sections 178.20 and 178.25 relating to criminal diversion of
23 prescription medications and prescriptions; sections 180.03, 180.08,
24 180.15, 180.25, 180.40, 180.45, 200.00, 200.03, 200.04, 200.10, 200.11,
25 200.12, 200.20, 200.22, 200.25, 200.27, 215.00, 215.05 and 215.19 relat-

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

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1 ing to bribery; sections 187.10, 187.15, 187.20 and 187.25 relating to
2 residential mortgage fraud, sections 190.40 and 190.42 relating to crim-
3 inal usury; section 190.65 relating to schemes to defraud; SECTION
4 190.76 RELATING TO CRIMINAL USE OF AN ACCESS DEVICE; SECTIONS 190.79,
5 190.80 AND 190.80-A RELATING TO IDENTITY THEFT; SECTIONS 190.82 AND
6 190.83 RELATING TO UNLAWFUL POSSESSION OF PERSONAL IDENTIFICATION INFOR-
7 MATION; SECTION 190.86 RELATING TO UNLAWFUL POSSESSION OF A SKIMMER
8 DEVICE; sections 205.60 and 205.65 relating to hindering prosecution;
9 sections 210.10, 210.15, and 215.51 relating to perjury and contempt;
10 section 215.40 relating to tampering with physical evidence; sections
11 220.06, 220.09, 220.16, 220.18, 220.21, 220.31, 220.34, 220.39, 220.41,
12 220.43, 220.46, 220.55, 220.60 and 220.77 relating to controlled
13 substances; sections 225.10 and 225.20 relating to gambling; sections
14 230.25, 230.30, and 230.32 relating to promoting prostitution; section
15 230.34 relating to sex trafficking; sections 235.06, 235.07, 235.21 and
16 235.22 relating to obscenity; sections 263.10 and 263.15 relating to
17 promoting a sexual performance by a child; sections 265.02, 265.03,
18 265.04, 265.11, 265.12, 265.13 and the provisions of section 265.10
19 which constitute a felony relating to firearms and other dangerous weap-
20 ons; and sections 265.14 and 265.16 relating to criminal sale of a
21 firearm; and section 275.10, 275.20, 275.30, or 275.40 relating to unau-
22 thorized recordings; and sections 470.05, 470.10, 470.15 and 470.20
23 relating to money laundering; or
24 S 2. This act shall take effect on the first of November next succeed-
25 ing the date on which it shall have become a law.