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

2168

2011-2012 Regular Sessions

I N S E N A T E

January 18, 2011

Introduced by Sens. GOLDEN, JOHNSON -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the penal law, in relation to criminal use of public records

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 240.75 and 240.77 to read as follows:

S 240.75 CRIMINAL USE OF PUBLIC RECORDS; DEFINITION.

FOR THE PURPOSES OF SECTION 240.77 OF THIS ARTICLE, "RECORD" SHALL HAVE THE SAME MEANING ASCRIBED TO SUCH TERM BY SUBDIVISION FOUR OF SECTION EIGHTY-SIX OF THE PUBLIC OFFICERS LAW.

S 240.77 CRIMINAL USE OF PUBLIC RECORDS.

A PERSON IS GUILTY OF CRIMINAL USE OF PUBLIC RECORDS WHEN HE OR SHE INTENTIONALLY OBTAINS ANY RECORD, WITH THE INTENT TO USE SUCH RECORD IN THE COMMISSION OF A CRIME, THROUGH THE PROCESS PROVIDED PURSUANT TO THE PUBLIC OFFICERS LAW, AND ATTEMPTS TO USE OR USES SUCH RECORD IN THE COURSE OF, IN FURTHERANCE OF, OR AS AN INSTRUMENTALITY IN THE COMMISSION OF A CRIME.

CRIMINAL USE OF PUBLIC RECORDS IS A CLASS E 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.

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

LBD04639-01-1