

2011-2012 Regular Sessions

I N S E N A T E

(PREFILED)

January 5, 2011

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

AN ACT to amend the penal law, the criminal procedure law, the executive law, the general business law and the state technology law, in relation to the crime of identity theft; and repealing certain provisions of the penal law and the criminal procedure law relating thereto

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

1 Section 1. Sections 190.77, 190.78, 190.79, 190.80, 190.80-a, 190.81,
2 190.82, 190.83, 190.84, 190.85 and 190.86 of the penal law are REPEALED.

3 S 2. The penal law is amended by adding a new article 191 to read as
4 follows:

5 ARTICLE 191

6 IDENTITY THEFT

7 SECTION 191.00 OFFENSES INVOLVING THEFT OF IDENTITY; DEFINITIONS.

8 191.05 PETIT IDENTITY THEFT.

9 191.10 IDENTITY THEFT IN THE FOURTH DEGREE.

10 191.15 IDENTITY THEFT IN THE THIRD DEGREE.

11 191.20 IDENTITY THEFT IN THE SECOND DEGREE.

12 191.25 IDENTITY THEFT IN THE FIRST DEGREE.

13 191.26 IDENTITY THEFT OF MULTIPLE VICTIMS IN THE FOURTH DEGREE.

14 191.27 IDENTITY THEFT OF MULTIPLE VICTIMS IN THE THIRD DEGREE.

15 191.28 IDENTITY THEFT OF MULTIPLE VICTIMS IN THE SECOND DEGREE.

16 191.29 IDENTITY THEFT OF MULTIPLE VICTIMS IN THE FIRST DEGREE.

17 191.30 AGGRAVATED IDENTITY THEFT.

18 191.35 UNLAWFUL POSSESSION OF PERSONAL IDENTIFYING INFORMATION
19 IN THE THIRD DEGREE.

20 191.40 UNLAWFUL POSSESSION OF PERSONAL IDENTIFYING INFORMATION
21 IN THE SECOND DEGREE.

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

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191.45 UNLAWFUL POSSESSION OF PERSONAL IDENTIFYING INFORMATION
IN THE FIRST DEGREE.

191.50 DEFENSES.

191.55 UNLAWFUL POSSESSION OF A SKIMMER DEVICE IN THE SECOND
DEGREE.

191.60 UNLAWFUL POSSESSION OF A SKIMMER DEVICE IN THE FIRST
DEGREE.

S 191.00 OFFENSES INVOLVING THEFT OF IDENTITY; DEFINITIONS.

1. FOR THE PURPOSES OF THIS ARTICLE "PERSONAL IDENTIFYING INFORMATION"
MEANS A PERSON'S NAME, ADDRESS, TELEPHONE NUMBER, DATE OF BIRTH, DRIV-
ER'S LICENSE NUMBER, SOCIAL SECURITY NUMBER, PLACE OF EMPLOYMENT, MOTH-
ER'S MAIDEN NAME, FINANCIAL SERVICES ACCOUNT NUMBER OR CODE, SAVINGS
ACCOUNT NUMBER OR CODE, CHECKING ACCOUNT NUMBER OR CODE, BROKERAGE
ACCOUNT NUMBER OR CODE, CREDIT CARD ACCOUNT NUMBER OR CODE, DEBIT CARD
NUMBER OR CODE, AUTOMATED TELLER MACHINE NUMBER OR CODE, TAXPAYER IDEN-
TIFICATION NUMBER, COMPUTER SYSTEM PASSWORD, SIGNATURE OR COPY OF A
SIGNATURE, ELECTRONIC SIGNATURE, UNIQUE BIOMETRIC DATA THAT IS A FINGER-
PRINT, VOICE PRINT, RETINAL IMAGE OR IRIS IMAGE OF ANOTHER PERSON, TELE-
PHONE CALLING CARD NUMBER, MOBILE IDENTIFICATION NUMBER OR CODE, ELEC-
TRONIC SERIAL NUMBER OR PERSONAL IDENTIFICATION NUMBER, MEDICAL
INFORMATION, MEDICAL INSURANCE INFORMATION, OR ANY OTHER NAME, NUMBER,
CODE OR INFORMATION THAT MAY BE USED ALONE OR IN CONJUNCTION WITH OTHER
SUCH INFORMATION TO ASSUME THE IDENTITY OF ANOTHER PERSON.

2. FOR THE PURPOSES OF THIS ARTICLE:

A. "ELECTRONIC SIGNATURE" SHALL HAVE THE SAME MEANING AS DEFINED IN
SUBDIVISION THREE OF SECTION THREE HUNDRED TWO OF THE STATE TECHNOLOGY
LAW.

B. "PERSONAL IDENTIFICATION NUMBER" MEANS ANY NUMBER OR CODE WHICH MAY
BE USED ALONE OR IN CONJUNCTION WITH ANY OTHER INFORMATION TO ASSUME THE
IDENTITY OF ANOTHER PERSON OR ACCESS FINANCIAL RESOURCES OR CREDIT OF
ANOTHER PERSON.

C. "MEMBER OF THE ARMED FORCES" SHALL MEAN A PERSON IN THE MILITARY
SERVICE OF THE UNITED STATES OR THE MILITARY SERVICE OF THE STATE,
INCLUDING BUT NOT LIMITED TO, THE ARMED FORCES OF THE UNITED STATES, THE
ARMY NATIONAL GUARD, THE AIR NATIONAL GUARD, THE NEW YORK NAVAL MILITIA,
THE NEW YORK GUARD, AND SUCH ADDITIONAL FORCES AS MAY BE CREATED BY THE
FEDERAL OR STATE GOVERNMENT AS AUTHORIZED BY LAW.

D. "MEDICAL INFORMATION" MEANS ANY INFORMATION REGARDING AN INDIVID-
UAL'S MEDICAL HISTORY, MENTAL OR PHYSICAL CONDITION, OR MEDICAL TREAT-
MENT OR DIAGNOSIS BY A HEALTH CARE PROFESSIONAL.

E. "MEDICAL INSURANCE INFORMATION" MEANS AN INDIVIDUAL'S HEALTH INSUR-
ANCE POLICY NUMBER OR SUBSCRIBER IDENTIFICATION NUMBER, ANY UNIQUE IDEN-
TIFIER USED BY A HEALTH INSURER TO IDENTIFY THE INDIVIDUAL OR ANY INFOR-
MATION IN AN INDIVIDUAL'S APPLICATION AND CLAIMS HISTORY, INCLUDING, BUT
NOT LIMITED TO, APPEALS HISTORY.

S 191.05 PETIT IDENTITY THEFT.

A PERSON IS GUILTY OF PETIT IDENTITY THEFT WHEN HE OR SHE KNOWINGLY
AND WITH INTENT TO DEFRAUD ASSUMES 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, AND THEREBY OBTAINS 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.

PETIT IDENTITY THEFT IS A CLASS A MISDEMEANOR.

S 191.10 IDENTITY THEFT IN THE FOURTH DEGREE.

1 A PERSON IS GUILTY OF IDENTITY THEFT IN THE FOURTH DEGREE WHEN HE OR
2 SHE KNOWINGLY AND WITH INTENT TO DEFRAUD ASSUMES THE IDENTITY OF ANOTHER
3 PERSON BY PRESENTING HIMSELF OR HERSELF AS THAT OTHER PERSON, OR BY
4 ACTING AS THAT OTHER PERSON OR BY USING PERSONAL IDENTIFYING INFORMATION
5 OF THAT OTHER PERSON, AND THEREBY:

6 1. OBTAINS GOODS, MONEY, PROPERTY OR SERVICES OR USES CREDIT IN THE
7 NAME OF SUCH OTHER PERSON IN AN AGGREGATE AMOUNT THAT EXCEEDS FIVE
8 HUNDRED DOLLARS; OR

9 2. CAUSES FINANCIAL LOSS TO SUCH PERSON OR TO ANOTHER PERSON OR
10 PERSONS IN AN AGGREGATE AMOUNT THAT EXCEEDS FIVE HUNDRED DOLLARS; OR

11 3. COMMITS OR ATTEMPTS TO COMMIT A FELONY OR ACTS AS AN ACCESSORY TO
12 THE COMMISSION OF A FELONY.

13 IDENTITY THEFT IN THE FOURTH DEGREE IS A CLASS E FELONY.

14 S 191.15 IDENTITY THEFT IN THE THIRD DEGREE.

15 A PERSON IS GUILTY OF IDENTIFY THEFT IN THE THIRD DEGREE WHEN HE OR
16 SHE KNOWINGLY AND WITH INTENT TO DEFRAUD ASSUMES THE IDENTITY OF ANOTHER
17 PERSON BY PRESENTING HIMSELF OR HERSELF AS THAT OTHER PERSON, OR BY
18 ACTING AS THAT OTHER PERSON OR BY USING PERSONAL IDENTIFYING INFORMATION
19 OF THAT OTHER PERSON, AND THEREBY:

20 1. OBTAINS GOODS, MONEY, PROPERTY OR SERVICES OR USES CREDIT IN THE
21 NAME OF SUCH OTHER PERSON IN AN AGGREGATE AMOUNT THAT EXCEEDS TWO THOU-
22 SAND DOLLARS; OR

23 2. CAUSES FINANCIAL LOSS TO SUCH PERSON OR TO ANOTHER PERSON OR
24 PERSONS IN AN AGGREGATE AMOUNT THAT EXCEEDS TWO THOUSAND DOLLARS; OR

25 3. COMMITS OR ATTEMPTS TO COMMIT A CLASS D FELONY OR HIGHER LEVEL
26 CRIME OR ACTS AS AN ACCESSORY TO THE COMMISSION OF A CLASS D OR HIGHER
27 LEVEL FELONY; OR

28 4. COMMITS THE CRIME OF IDENTITY THEFT IN THE FOURTH DEGREE AS DEFINED
29 IN SECTION 191.10 OF THIS ARTICLE AND HAS BEEN PREVIOUSLY CONVICTED
30 WITHIN THE LAST FIVE YEARS OF PETIT IDENTITY THEFT AS DEFINED IN SECTION
31 191.05, IDENTITY THEFT IN THE FOURTH DEGREE AS DEFINED IN SECTION
32 191.10, IDENTITY THEFT IN THE THIRD DEGREE AS DEFINED IN THIS SECTION,
33 IDENTITY THEFT IN THE SECOND DEGREE AS DEFINED IN SECTION 191.20, IDEN-
34 TITY THEFT IN THE FIRST DEGREE AS DEFINED IN SECTION 191.25, IDENTITY
35 THEFT OF MULTIPLE VICTIMS IN THE FOURTH DEGREE AS DEFINED IN SECTION
36 191.26, IDENTITY THEFT OF MULTIPLE VICTIMS IN THE THIRD DEGREE AS
37 DEFINED IN SECTION 191.27, IDENTITY THEFT OF MULTIPLE VICTIMS IN THE
38 SECOND DEGREE AS DEFINED IN SECTION 191.28, IDENTITY THEFT OF MULTIPLE
39 VICTIMS IN THE FIRST DEGREE AS DEFINED IN SECTION 191.29, UNLAWFUL
40 POSSESSION OF PERSONAL IDENTIFYING INFORMATION IN THE THIRD DEGREE AS
41 DEFINED IN SECTION 191.35, UNLAWFUL POSSESSION OF PERSONAL IDENTIFYING
42 INFORMATION IN THE SECOND DEGREE AS DEFINED IN SECTION 191.40, UNLAWFUL
43 POSSESSION OF PERSONAL IDENTIFYING INFORMATION IN THE FIRST DEGREE AS
44 DEFINED IN SECTION 191.45, UNLAWFUL POSSESSION OF A SKIMMER DEVICE IN
45 THE SECOND DEGREE AS DEFINED IN SECTION 191.55, UNLAWFUL POSSESSION OF A
46 SKIMMER DEVICE IN THE FIRST DEGREE AS DEFINED IN SECTION 191.60, GRAND
47 LARCENY IN THE FOURTH DEGREE AS DEFINED IN SECTION 155.30, GRAND LARCENY
48 IN THE THIRD DEGREE AS DEFINED IN SECTION 155.35, GRAND LARCENY IN THE
49 SECOND DEGREE AS DEFINED IN SECTION 155.40, GRAND LARCENY IN THE FIRST
50 DEGREE AS DEFINED IN SECTION 155.42, CRIMINAL POSSESSION OF A FORGED
51 INSTRUMENT IN THE THIRD DEGREE AS DEFINED IN SECTION 170.20, CRIMINAL
52 POSSESSION OF A FORGED INSTRUMENT IN THE SECOND DEGREE AS DEFINED IN
53 SECTION 170.25, CRIMINAL POSSESSION OF A FORGED INSTRUMENT IN THE FIRST
54 DEGREE AS DEFINED IN SECTION 170.30, CRIMINAL POSSESSION OF STOLEN PROP-
55 erty IN THE FIFTH DEGREE AS DEFINED IN SECTION 165.40, CRIMINAL
56 POSSESSION OF STOLEN PROPERTY IN THE FOURTH DEGREE AS DEFINED IN SECTION

1 165.45, CRIMINAL POSSESSION OF STOLEN PROPERTY IN THE THIRD DEGREE AS
2 DEFINED IN SECTION 165.50, CRIMINAL POSSESSION OF STOLEN PROPERTY IN THE
3 SECOND DEGREE AS DEFINED IN SECTION 165.52, CRIMINAL POSSESSION OF
4 STOLEN PROPERTY IN THE FIRST DEGREE AS DEFINED IN SECTION 165.54, OR
5 CRIMINAL POSSESSION OF FORGERY DEVICES AS DEFINED IN SECTION 170.40 OF
6 THIS CHAPTER.

7 IDENTITY THEFT IN THE THIRD DEGREE IS A CLASS D FELONY.

8 S 191.20 IDENTITY THEFT IN THE SECOND DEGREE.

9 A PERSON IS GUILTY OF IDENTITY THEFT IN THE SECOND DEGREE WHEN HE OR
10 SHE KNOWINGLY AND WITH INTENT TO DEFRAUD ASSUMES THE IDENTITY OF ANOTHER
11 PERSON BY PRESENTING HIMSELF OR HERSELF AS THAT OTHER PERSON, OR BY
12 ACTING AS THAT OTHER PERSON OR BY USING PERSONAL IDENTIFYING INFORMATION
13 OF THAT OTHER PERSON, AND THEREBY:

14 1. OBTAINS GOODS, MONEY, PROPERTY OR SERVICES OR USES CREDIT IN THE
15 NAME OF SUCH OTHER PERSON IN AN AGGREGATE AMOUNT THAT EXCEEDS
16 TWENTY-FIVE THOUSAND DOLLARS; OR

17 2. CAUSES FINANCIAL LOSS TO SUCH PERSON OR TO ANOTHER PERSON OR
18 PERSONS IN AN AGGREGATE AMOUNT THAT EXCEEDS TWENTY-FIVE THOUSAND
19 DOLLARS; OR

20 3. COMMITS OR ATTEMPTS TO COMMIT A CLASS C FELONY OR HIGHER LEVEL
21 CRIME OR ACTS AS AN ACCESSORY IN THE COMMISSION OF A CLASS C OR HIGHER
22 LEVEL FELONY; OR

23 4. COMMITS THE CRIME OF IDENTITY THEFT IN THE THIRD DEGREE AS DEFINED
24 IN SECTION 191.15 OF THIS ARTICLE AND HAS BEEN PREVIOUSLY CONVICTED
25 WITHIN THE LAST FIVE YEARS OF PETIT IDENTITY THEFT AS DEFINED IN SECTION
26 191.05, IDENTITY THEFT IN THE FOURTH DEGREE AS DEFINED IN SECTION
27 191.10, IDENTITY THEFT IN THE THIRD DEGREE AS DEFINED IN SECTION 191.15,
28 IDENTITY THEFT IN THE SECOND DEGREE AS DEFINED IN THIS SECTION, IDENTITY
29 THEFT IN THE FIRST DEGREE AS DEFINED IN SECTION 191.25, IDENTITY THEFT
30 OF MULTIPLE VICTIMS IN THE FOURTH DEGREE AS DEFINED IN SECTION 191.26,
31 IDENTITY THEFT OF MULTIPLE VICTIMS IN THE THIRD DEGREE AS DEFINED IN
32 SECTION 191.27, IDENTITY THEFT OF MULTIPLE VICTIMS IN THE SECOND DEGREE
33 AS DEFINED IN SECTION 191.28, IDENTITY THEFT OF MULTIPLE VICTIMS IN THE
34 FIRST DEGREE AS DEFINED IN SECTION 191.29, UNLAWFUL POSSESSION OF
35 PERSONAL IDENTIFYING INFORMATION IN THE THIRD DEGREE AS DEFINED IN
36 SECTION 191.35, UNLAWFUL POSSESSION OF PERSONAL IDENTIFYING INFORMATION
37 IN THE SECOND DEGREE AS DEFINED IN SECTION 191.40, UNLAWFUL POSSESSION
38 OF PERSONAL IDENTIFYING INFORMATION IN THE FIRST DEGREE AS DEFINED IN
39 SECTION 191.45, UNLAWFUL POSSESSION OF A SKIMMER DEVICE IN THE SECOND
40 DEGREE AS DEFINED IN SECTION 191.55, UNLAWFUL POSSESSION OF A SKIMMER
41 DEVICE IN THE FIRST DEGREE AS DEFINED IN SECTION 191.60, GRAND LARCENY
42 IN THE FOURTH DEGREE AS DEFINED IN SECTION 155.30, GRAND LARCENY IN THE
43 THIRD DEGREE AS DEFINED IN SECTION 155.35, GRAND LARCENY IN THE SECOND
44 DEGREE AS DEFINED IN SECTION 155.40, GRAND LARCENY IN THE FIRST DEGREE
45 AS DEFINED IN SECTION 155.42, CRIMINAL POSSESSION OF A FORGED INSTRUMENT
46 IN THE THIRD DEGREE AS DEFINED IN SECTION 170.20, CRIMINAL POSSESSION OF
47 A FORGED INSTRUMENT IN THE SECOND DEGREE AS DEFINED IN SECTION 170.25,
48 CRIMINAL POSSESSION OF A FORGED INSTRUMENT IN THE FIRST DEGREE AS
49 DEFINED IN SECTION 170.30, CRIMINAL POSSESSION OF STOLEN PROPERTY IN THE
50 FIFTH DEGREE AS DEFINED IN SECTION 165.40, CRIMINAL POSSESSION OF STOLEN
51 PROPERTY IN THE FOURTH DEGREE AS DEFINED IN SECTION 165.45, CRIMINAL
52 POSSESSION OF STOLEN PROPERTY IN THE THIRD DEGREE AS DEFINED IN SECTION
53 165.50, CRIMINAL POSSESSION OF STOLEN PROPERTY IN THE SECOND DEGREE AS
54 DEFINED IN SECTION 165.52, CRIMINAL POSSESSION OF STOLEN PROPERTY IN THE
55 FIRST DEGREE AS DEFINED IN SECTION 165.54, OR CRIMINAL POSSESSION OF
56 FORGERY DEVICES AS DEFINED IN SECTION 170.40 OF THIS CHAPTER.

1 IDENTITY THEFT IN THE SECOND DEGREE IS A CLASS C FELONY.

2 S 191.25 IDENTITY THEFT IN THE FIRST DEGREE.

3 A PERSON IS GUILTY OF IDENTIFY THEFT IN THE FIRST DEGREE WHEN HE OR
4 SHE KNOWINGLY AND WITH INTENT TO DEFRAUD ASSUMES THE IDENTITY OF ANOTHER
5 PERSON BY PRESENTING HIMSELF OR HERSELF AS THAT OTHER PERSON, OR BY
6 ACTING AS THAT OTHER PERSON OR BY USING PERSONAL IDENTIFYING INFORMATION
7 OF THAT OTHER PERSON, AND THEREBY:

8 1. OBTAINS GOODS, MONEY, PROPERTY OR SERVICES OR USES CREDIT IN THE
9 NAME OF SUCH OTHER PERSON IN AN AGGREGATE AMOUNT THAT EXCEEDS TWO
10 HUNDRED THOUSAND DOLLARS; OR

11 2. CAUSES FINANCIAL LOSS TO SUCH PERSON OR TO ANOTHER PERSON OR
12 PERSONS IN AN AGGREGATE AMOUNT THAT EXCEEDS TWO HUNDRED THOUSAND
13 DOLLARS; OR

14 3. COMMITS OR ATTEMPTS TO COMMIT A CLASS B FELONY OR HIGHER LEVEL
15 CRIME OR ACTS AS AN ACCESSORY IN THE COMMISSION OF A CLASS B OR HIGHER
16 LEVEL FELONY; OR

17 4. COMMITS THE CRIME OF IDENTITY THEFT IN THE SECOND DEGREE AS DEFINED
18 IN SECTION 191.20 OF THIS ARTICLE AND HAS BEEN PREVIOUSLY CONVICTED
19 WITHIN THE LAST FIVE YEARS OF PETIT IDENTITY THEFT AS DEFINED IN SECTION
20 191.05, IDENTITY THEFT IN THE FOURTH DEGREE AS DEFINED IN SECTION
21 191.10, IDENTITY THEFT IN THE THIRD DEGREE AS DEFINED IN SECTION 191.15,
22 IDENTITY THEFT IN THE SECOND DEGREE AS DEFINED IN SECTION 191.20 OF THIS
23 ARTICLE, IDENTITY THEFT IN THE FIRST DEGREE AS DEFINED IN THIS SECTION,
24 IDENTITY THEFT OF MULTIPLE VICTIMS IN THE FOURTH DEGREE AS DEFINED IN
25 SECTION 191.26, IDENTITY THEFT OF MULTIPLE VICTIMS IN THE THIRD DEGREE
26 AS DEFINED IN SECTION 191.27, IDENTITY THEFT OF MULTIPLE VICTIMS IN THE
27 SECOND DEGREE AS DEFINED IN SECTION 191.28, IDENTITY THEFT OF MULTIPLE
28 VICTIMS IN THE FIRST DEGREE AS DEFINED IN SECTION 191.29, UNLAWFUL
29 POSSESSION OF PERSONAL IDENTIFYING INFORMATION IN THE SECOND DEGREE AS
30 DEFINED IN SECTION 191.40, UNLAWFUL POSSESSION OF PERSONAL IDENTIFYING
31 INFORMATION IN THE FIRST DEGREE AS DEFINED IN SECTION 191.45, UNLAWFUL
32 POSSESSION OF A SKIMMER DEVICE IN THE SECOND DEGREE AS DEFINED IN
33 SECTION 191.55, UNLAWFUL POSSESSION OF A SKIMMER DEVICE IN THE FIRST
34 DEGREE AS DEFINED IN SECTION 191.60, GRAND LARCENY IN THE FOURTH DEGREE
35 AS DEFINED IN SECTION 155.30, GRAND LARCENY IN THE THIRD DEGREE AS
36 DEFINED IN SECTION 155.35, GRAND LARCENY IN THE SECOND DEGREE AS DEFINED
37 IN SECTION 155.40, GRAND LARCENY IN THE FIRST DEGREE AS DEFINED IN
38 SECTION 155.42, CRIMINAL POSSESSION OF A FORGED INSTRUMENT IN THE THIRD
39 DEGREE AS DEFINED IN SECTION 170.20, CRIMINAL POSSESSION OF A FORGED
40 INSTRUMENT IN THE SECOND DEGREE AS DEFINED IN SECTION 170.25, CRIMINAL
41 POSSESSION OF A FORGED INSTRUMENT IN THE FIRST DEGREE AS DEFINED IN
42 SECTION 170.30, CRIMINAL POSSESSION OF STOLEN PROPERTY IN THE FIFTH
43 DEGREE AS DEFINED IN SECTION 165.40, CRIMINAL POSSESSION OF STOLEN PROP-
44 ERTY IN THE FOURTH DEGREE AS DEFINED IN SECTION 165.45, CRIMINAL
45 POSSESSION OF STOLEN PROPERTY IN THE THIRD DEGREE AS DEFINED IN SECTION
46 165.50, CRIMINAL POSSESSION OF STOLEN PROPERTY IN THE SECOND DEGREE AS
47 DEFINED IN SECTION 165.52, CRIMINAL POSSESSION OF STOLEN PROPERTY IN THE
48 FIRST DEGREE AS DEFINED IN SECTION 165.54, OR CRIMINAL POSSESSION OF
49 FORGERY DEVICES AS DEFINED IN SECTION 170.40 OF THIS CHAPTER.

50 IDENTITY THEFT IN THE FIRST DEGREE IS A CLASS B FELONY.

51 S 191.26 IDENTITY THEFT OF MULTIPLE VICTIMS IN THE FOURTH DEGREE.

52 A PERSON IS GUILTY OF IDENTITY THEFT OF MULTIPLE VICTIMS IN THE FOURTH
53 DEGREE WHEN HE OR SHE KNOWINGLY, AND WITH INTENT TO DEFRAUD, ASSUMES THE
54 IDENTITY OF THREE OR MORE PERSONS BY PRESENTING HIMSELF OR HERSELF AS
55 THOSE OTHER PERSONS, OR BY ACTING AS THOSE OTHER PERSONS, OR BY USING
56 PERSONAL IDENTIFYING INFORMATION OF THOSE OTHER PERSONS, AND THEREBY:

1 1. OBTAINS GOODS, MONEY, MEDICAL INFORMATION, HEALTH INFORMATION,
2 PROPERTY OR SERVICES OR USES CREDIT IN THE NAME OF THOSE PERSONS, IN AN
3 AGGREGATE AMOUNT THAT EXCEEDS FIVE HUNDRED DOLLARS; OR

4 2. CAUSES FINANCIAL LOSS TO SUCH PERSONS, OR TO ANOTHER PERSON OR
5 PERSONS IN AN AGGREGATE AMOUNT THAT EXCEEDS FIVE HUNDRED DOLLARS; OR

6 3. COMMITS OR ATTEMPTS TO COMMIT A FELONY OR ACTS AS AN ACCESSORY TO
7 THE COMMISSION OF A FELONY.

8 IDENTITY THEFT OF MULTIPLE VICTIMS IN THE FOURTH DEGREE IS A CLASS E
9 FELONY.

10 S 191.27 IDENTITY THEFT OF MULTIPLE VICTIMS IN THE THIRD DEGREE.

11 A PERSON IS GUILTY OF IDENTITY THEFT OF MULTIPLE VICTIMS IN THE THIRD
12 DEGREE WHEN HE OR SHE KNOWINGLY, AND WITH INTENT TO DEFRAUD, ASSUMES THE
13 IDENTITY OF TEN OR MORE PERSONS BY PRESENTING HIMSELF OR HERSELF AS
14 THOSE OTHER PERSONS, OR BY ACTING AS THOSE OTHER PERSONS, OR BY USING
15 PERSONAL IDENTIFYING INFORMATION OF THOSE OTHER PERSONS, AND THEREBY:

16 1. OBTAINS GOODS, MONEY, MEDICAL INFORMATION, HEALTH INFORMATION,
17 PROPERTY OR SERVICES OR USES CREDIT IN THE NAME OF THOSE PERSONS, IN AN
18 AGGREGATE AMOUNT THAT EXCEEDS TWO THOUSAND DOLLARS; OR

19 2. CAUSES FINANCIAL LOSS TO SUCH PERSONS, OR TO ANOTHER PERSON OR
20 PERSONS IN AN AGGREGATE AMOUNT THAT EXCEEDS TWO THOUSAND DOLLARS; OR

21 3. COMMITS OR ATTEMPTS TO COMMIT A CLASS D FELONY OR HIGHER LEVEL
22 CRIME OR ACTS AS AN ACCESSORY IN THE COMMISSION OF A CLASS D OR HIGHER
23 LEVEL FELONY; OR

24 4. COMMITS THE CRIME OF IDENTITY THEFT IN THE FOURTH DEGREE AS DEFINED
25 IN SECTION 191.10 OF THIS ARTICLE AND HAS BEEN PREVIOUSLY CONVICTED
26 WITHIN THE LAST FIVE YEARS OF PETIT IDENTITY THEFT AS DEFINED IN SECTION
27 191.05, IDENTITY THEFT IN THE FOURTH DEGREE AS DEFINED IN SECTION
28 191.10, IDENTITY THEFT IN THE THIRD DEGREE AS DEFINED IN SECTION 191.15,
29 IDENTITY THEFT IN THE SECOND DEGREE AS DEFINED IN SECTION 191.20, IDEN-
30 TITY THEFT IN THE FIRST DEGREE AS DEFINED IN SECTION 191.25, IDENTITY
31 THEFT OF MULTIPLE VICTIMS IN THE FOURTH DEGREE AS DEFINED IN SECTION
32 191.26, IDENTITY THEFT OF MULTIPLE VICTIMS IN THE THIRD DEGREE AS
33 DEFINED IN THIS SECTION, IDENTITY THEFT OF MULTIPLE VICTIMS IN THE
34 SECOND DEGREE AS DEFINED IN SECTION 191.28, IDENTITY THEFT OF MULTIPLE
35 VICTIMS IN THE FIRST DEGREE AS DEFINED IN SECTION 191.29, UNLAWFUL
36 POSSESSION OF PERSONAL IDENTIFYING INFORMATION IN THE THIRD DEGREE AS
37 DEFINED IN SECTION 191.35, UNLAWFUL POSSESSION OF PERSONAL IDENTIFYING
38 INFORMATION IN THE SECOND DEGREE AS DEFINED IN SECTION 191.40, UNLAWFUL
39 POSSESSION OF PERSONAL IDENTIFYING INFORMATION IN THE FIRST DEGREE AS
40 DEFINED IN SECTION 191.45, UNLAWFUL POSSESSION OF A SKIMMER DEVICE IN
41 THE SECOND DEGREE AS DEFINED IN SECTION 191.55, UNLAWFUL POSSESSION OF A
42 SKIMMER DEVICE IN THE FIRST DEGREE AS DEFINED IN SECTION 191.60, GRAND
43 LARCENY IN THE FOURTH DEGREE AS DEFINED IN SECTION 155.30, GRAND LARCENY
44 IN THE THIRD DEGREE AS DEFINED IN SECTION 155.35, GRAND LARCENY IN THE
45 SECOND DEGREE AS DEFINED IN SECTION 155.40, GRAND LARCENY IN THE FIRST
46 DEGREE AS DEFINED IN SECTION 155.42, CRIMINAL POSSESSION OF A FORGED
47 INSTRUMENT IN THE THIRD DEGREE AS DEFINED IN SECTION 170.20, CRIMINAL
48 POSSESSION OF A FORGED INSTRUMENT IN THE SECOND DEGREE AS DEFINED IN
49 SECTION 170.25, CRIMINAL POSSESSION OF A FORGED INSTRUMENT IN THE FIRST
50 DEGREE AS DEFINED IN SECTION 170.30, CRIMINAL POSSESSION OF STOLEN PROP-
51 erty IN THE FIFTH DEGREE AS DEFINED IN SECTION 165.40, CRIMINAL
52 POSSESSION OF STOLEN PROPERTY IN THE FOURTH DEGREE AS DEFINED IN SECTION
53 165.45, CRIMINAL POSSESSION OF STOLEN PROPERTY IN THE THIRD DEGREE AS
54 DEFINED IN SECTION 165.50, CRIMINAL POSSESSION OF STOLEN PROPERTY IN THE
55 SECOND DEGREE AS DEFINED IN SECTION 165.52, CRIMINAL POSSESSION OF
56 STOLEN PROPERTY IN THE FIRST DEGREE AS DEFINED IN SECTION 165.54, OR

1 CRIMINAL POSSESSION OF FORGERY DEVICES AS DEFINED IN SECTION 170.40 OF
2 THIS CHAPTER.

3 IDENTITY THEFT OF MULTIPLE VICTIMS IN THE THIRD DEGREE IS A CLASS D
4 FELONY.

5 S 191.28 IDENTITY THEFT OF MULTIPLE VICTIMS IN THE SECOND DEGREE.

6 A PERSON IS GUILTY OF IDENTITY THEFT OF MULTIPLE VICTIMS IN THE SECOND
7 DEGREE WHEN HE OR SHE KNOWINGLY, AND WITH INTENT TO DEFRAUD, ASSUMES THE
8 IDENTITY OF TWENTY-FIVE OR MORE PERSONS BY PRESENTING HIMSELF OR HERSELF
9 AS THOSE OTHER PERSONS, OR BY ACTING AS THOSE OTHER PERSONS, OR BY USING
10 PERSONAL IDENTIFYING INFORMATION OF THOSE OTHER PERSONS, AND THEREBY:

11 1. OBTAINS GOODS, MONEY, MEDICAL INFORMATION, HEALTH INFORMATION,
12 PROPERTY OR SERVICES OR USES CREDIT IN THE NAME OF THOSE PERSONS, IN AN
13 AGGREGATE AMOUNT THAT EXCEEDS TWENTY-FIVE THOUSAND DOLLARS; OR

14 2. CAUSES FINANCIAL LOSS TO SUCH PERSONS, OR TO ANOTHER PERSON OR
15 PERSONS IN AN AGGREGATE AMOUNT THAT EXCEEDS TWENTY-FIVE THOUSAND
16 DOLLARS; OR

17 3. COMMITS OR ATTEMPTS TO COMMIT A CLASS C FELONY OR HIGHER LEVEL
18 CRIME OR ACTS AS AN ACCESSORY IN THE COMMISSION OF A CLASS C OR HIGHER
19 LEVEL FELONY; OR

20 4. COMMITS THE CRIME OF IDENTITY THEFT IN THE FOURTH DEGREE AS DEFINED
21 IN SECTION 191.10 OF THIS ARTICLE AND HAS BEEN PREVIOUSLY CONVICTED
22 WITHIN THE LAST FIVE YEARS OF PETIT IDENTITY THEFT AS DEFINED IN SECTION
23 191.05, IDENTITY THEFT IN THE FOURTH DEGREE AS DEFINED IN SECTION
24 191.10, IDENTITY THEFT IN THE THIRD DEGREE AS DEFINED IN SECTION 191.15,
25 IDENTITY THEFT IN THE SECOND DEGREE AS DEFINED IN SECTION 191.20, IDEN-
26 TITY THEFT IN THE FIRST DEGREE AS DEFINED IN SECTION 191.25, IDENTITY
27 THEFT OF MULTIPLE VICTIMS IN THE FOURTH DEGREE AS DEFINED IN SECTION
28 191.26, IDENTITY THEFT OF MULTIPLE VICTIMS IN THE THIRD DEGREE AS
29 DEFINED IN SECTION 191.27, IDENTITY THEFT OF MULTIPLE VICTIMS IN THE
30 SECOND DEGREE AS DEFINED IN THIS SECTION, IDENTITY THEFT OF MULTIPLE
31 VICTIMS IN THE FIRST DEGREE AS DEFINED IN SECTION 191.29, UNLAWFUL
32 POSSESSION OF PERSONAL IDENTIFYING INFORMATION IN THE THIRD DEGREE AS
33 DEFINED IN SECTION 191.35, UNLAWFUL POSSESSION OF PERSONAL IDENTIFYING
34 INFORMATION IN THE SECOND DEGREE AS DEFINED IN SECTION 191.40, UNLAWFUL
35 POSSESSION OF PERSONAL IDENTIFYING INFORMATION IN THE FIRST DEGREE AS
36 DEFINED IN SECTION 191.45, UNLAWFUL POSSESSION OF A SKIMMER DEVICE IN
37 THE SECOND DEGREE AS DEFINED IN SECTION 191.55, UNLAWFUL POSSESSION OF A
38 SKIMMER DEVICE IN THE FIRST DEGREE AS DEFINED IN SECTION 191.60, GRAND
39 LARCENY IN THE FOURTH DEGREE AS DEFINED IN SECTION 155.30, GRAND LARCENY
40 IN THE THIRD DEGREE AS DEFINED IN SECTION 155.35, GRAND LARCENY IN THE
41 SECOND DEGREE AS DEFINED IN SECTION 155.40, GRAND LARCENY IN THE FIRST
42 DEGREE AS DEFINED IN SECTION 155.42, CRIMINAL POSSESSION OF A FORGED
43 INSTRUMENT IN THE THIRD DEGREE AS DEFINED IN SECTION 170.20, CRIMINAL
44 POSSESSION OF A FORGED INSTRUMENT IN THE SECOND DEGREE AS DEFINED IN
45 SECTION 170.25, CRIMINAL POSSESSION OF A FORGED INSTRUMENT IN THE FIRST
46 DEGREE AS DEFINED IN SECTION 170.30, CRIMINAL POSSESSION OF STOLEN PROP-
47 erty IN THE FIFTH DEGREE AS DEFINED IN SECTION 165.40, CRIMINAL
48 POSSESSION OF STOLEN PROPERTY IN THE FOURTH DEGREE AS DEFINED IN SECTION
49 165.45, CRIMINAL POSSESSION OF STOLEN PROPERTY IN THE THIRD DEGREE AS
50 DEFINED IN SECTION 165.50, CRIMINAL POSSESSION OF STOLEN PROPERTY IN THE
51 SECOND DEGREE AS DEFINED IN SECTION 165.52, CRIMINAL POSSESSION OF
52 STOLEN PROPERTY IN THE FIRST DEGREE AS DEFINED IN SECTION 165.54, OR
53 CRIMINAL POSSESSION OF FORGERY DEVICES AS DEFINED IN SECTION 170.40 OF
54 THIS CHAPTER.

55 IDENTITY THEFT OF MULTIPLE VICTIMS IN THE SECOND DEGREE IS A CLASS C
56 FELONY.

1 S 191.29 IDENTITY THEFT OF MULTIPLE VICTIMS IN THE FIRST DEGREE.

2 A PERSON IS GUILTY OF IDENTITY THEFT OF MULTIPLE VICTIMS IN THE FIRST
3 DEGREE WHEN HE OR SHE KNOWINGLY, AND WITH INTENT TO DEFRAUD, ASSUMES THE
4 IDENTITY OF FIFTY OR MORE PERSONS BY PRESENTING HIMSELF OR HERSELF AS
5 THOSE OTHER PERSONS, OR BY ACTING AS THOSE OTHER PERSONS, OR BY USING
6 PERSONAL IDENTIFYING INFORMATION OF THOSE OTHER PERSONS, AND THEREBY:

7 1. OBTAINS GOODS, MONEY, MEDICAL INFORMATION, HEALTH INFORMATION,
8 PROPERTY OR SERVICES OR USES CREDIT IN THE NAME OF THOSE PERSONS, IN AN
9 AGGREGATE AMOUNT THAT EXCEEDS TWO HUNDRED THOUSAND DOLLARS; OR

10 2. CAUSES FINANCIAL LOSS TO SUCH PERSONS, OR TO ANOTHER PERSON OR
11 PERSONS IN AN AGGREGATE AMOUNT THAT EXCEEDS TWO HUNDRED THOUSAND
12 DOLLARS; OR

13 3. COMMITS OR ATTEMPTS TO COMMIT A CLASS B FELONY OR HIGHER LEVEL
14 CRIME OR ACTS AS AN ACCESSORY IN THE COMMISSION OF A CLASS B OR HIGHER
15 LEVEL FELONY; OR

16 4. COMMITS THE CRIME OF IDENTITY THEFT IN THE FOURTH DEGREE AS DEFINED
17 IN SECTION 191.10 OF THIS ARTICLE AND HAS BEEN PREVIOUSLY CONVICTED
18 WITHIN THE LAST FIVE YEARS OF PETIT IDENTITY THEFT AS DEFINED IN SECTION
19 191.05, IDENTITY THEFT IN THE FOURTH DEGREE AS DEFINED IN SECTION
20 191.10, IDENTITY THEFT IN THE THIRD DEGREE AS DEFINED IN SECTION 191.15,
21 IDENTITY THEFT IN THE SECOND DEGREE AS DEFINED IN SECTION 191.20, IDEN-
22 TITY THEFT IN THE FIRST DEGREE AS DEFINED IN SECTION 191.25, IDENTITY
23 THEFT OF MULTIPLE VICTIMS IN THE FOURTH DEGREE AS DEFINED IN SECTION
24 191.26, IDENTITY THEFT OF MULTIPLE VICTIMS IN THE THIRD DEGREE AS
25 DEFINED IN SECTION 191.27, IDENTITY THEFT OF MULTIPLE VICTIMS IN THE
26 SECOND DEGREE AS DEFINED IN SECTION 191.28, IDENTITY THEFT OF MULTIPLE
27 VICTIMS IN THE FIRST DEGREE AS DEFINED IN THIS SECTION, UNLAWFUL
28 POSSESSION OF PERSONAL IDENTIFYING INFORMATION IN THE THIRD DEGREE AS
29 DEFINED IN SECTION 191.35, UNLAWFUL POSSESSION OF PERSONAL IDENTIFYING
30 INFORMATION IN THE SECOND DEGREE AS DEFINED IN SECTION 191.40, UNLAWFUL
31 POSSESSION OF PERSONAL IDENTIFYING INFORMATION IN THE FIRST DEGREE AS
32 DEFINED IN SECTION 191.45, UNLAWFUL POSSESSION OF A SKIMMER DEVICE IN
33 THE SECOND DEGREE AS DEFINED IN SECTION 191.55, UNLAWFUL POSSESSION OF A
34 SKIMMER DEVICE IN THE FIRST DEGREE AS DEFINED IN SECTION 191.60, GRAND
35 LARCENY IN THE FOURTH DEGREE AS DEFINED IN SECTION 155.30, GRAND LARCENY
36 IN THE THIRD DEGREE AS DEFINED IN SECTION 155.35, GRAND LARCENY IN THE
37 SECOND DEGREE AS DEFINED IN SECTION 155.40, GRAND LARCENY IN THE FIRST
38 DEGREE AS DEFINED IN SECTION 155.42, CRIMINAL POSSESSION OF A FORGED
39 INSTRUMENT IN THE THIRD DEGREE AS DEFINED IN SECTION 170.20, CRIMINAL
40 POSSESSION OF A FORGED INSTRUMENT IN THE SECOND DEGREE AS DEFINED IN
41 SECTION 170.25, CRIMINAL POSSESSION OF A FORGED INSTRUMENT IN THE FIRST
42 DEGREE AS DEFINED IN SECTION 170.30, CRIMINAL POSSESSION OF STOLEN PROP-
43 erty IN THE FIFTH DEGREE AS DEFINED IN SECTION 165.40, CRIMINAL
44 POSSESSION OF STOLEN PROPERTY IN THE FOURTH DEGREE AS DEFINED IN SECTION
45 165.45, CRIMINAL POSSESSION OF STOLEN PROPERTY IN THE THIRD DEGREE AS
46 DEFINED IN SECTION 165.50, CRIMINAL POSSESSION OF STOLEN PROPERTY IN THE
47 SECOND DEGREE AS DEFINED IN SECTION 165.52, CRIMINAL POSSESSION OF
48 STOLEN PROPERTY IN THE FIRST DEGREE AS DEFINED IN SECTION 165.54, OR
49 CRIMINAL POSSESSION OF FORGERY DEVICES AS DEFINED IN SECTION 170.40 OF
50 THIS CHAPTER.

51 IDENTITY THEFT OF MULTIPLE VICTIMS IN THE FIRST DEGREE IS A CLASS B
52 FELONY.

53 S 191.30 AGGRAVATED IDENTITY THEFT.

54 A PERSON IS GUILTY OF AGGRAVATED IDENTITY THEFT WHEN HE OR SHE KNOW-
55 INGLY AND WITH INTENT TO DEFRAUD ASSUMES THE IDENTITY OF ANOTHER PERSON
56 BY PRESENTING HIMSELF OR HERSELF AS THAT OTHER PERSON, OR BY ACTING AS

1 THAT OTHER PERSON OR BY USING PERSONAL IDENTIFYING INFORMATION OF THAT
2 OTHER PERSON, AND:

3 1. KNOWS THAT SUCH PERSON IS A MEMBER OF THE ARMED FORCES, AND KNOWS
4 THAT SUCH MEMBER IS PRESENTLY DEPLOYED OUTSIDE OF THE CONTINENTAL UNITED
5 STATES AND:

6 A. THEREBY OBTAINS GOODS, MONEY, PROPERTY OR SERVICES OR USES CREDIT
7 IN THE NAME OF SUCH MEMBER OF THE ARMED FORCES IN AN AGGREGATE AMOUNT
8 THAT EXCEEDS FIVE HUNDRED DOLLARS; OR

9 B. THEREBY CAUSES FINANCIAL LOSS TO SUCH MEMBER OF THE ARMED FORCES IN
10 AN AGGREGATE AMOUNT THAT EXCEEDS FIVE HUNDRED DOLLARS; OR

11 2. KNOWS THAT SUCH PERSON IS A VULNERABLE ELDERLY PERSON AS DEFINED IN
12 SUBDIVISION THREE OF SECTION 260.31 OF THIS CHAPTER OR A PERSON WHO IS
13 UNABLE TO CARE FOR HIMSELF OR HERSELF BECAUSE OF PHYSICAL DISABILITY,
14 MENTAL DISEASE OR DEFECT, OR BECAUSE HE OR SHE IS A MINOR AND:

15 A. THEREBY OBTAINS GOODS, MONEY, PROPERTY OR SERVICES OR USES CREDIT
16 IN THE NAME OF SUCH PERSON IN AN AGGREGATE AMOUNT THAT EXCEEDS FIVE
17 HUNDRED DOLLARS; OR

18 B. THEREBY CAUSES FINANCIAL LOSS TO SUCH PERSON IN AN AGGREGATE AMOUNT
19 THAT EXCEEDS FIVE HUNDRED DOLLARS.

20 AGGRAVATED IDENTITY THEFT IS A CLASS D FELONY.

21 S 191.35 UNLAWFUL POSSESSION OF PERSONAL IDENTIFYING INFORMATION IN THE
22 THIRD DEGREE.

23 A PERSON IS GUILTY OF UNLAWFUL POSSESSION OF PERSONAL IDENTIFYING
24 INFORMATION IN THE THIRD DEGREE WHEN HE OR SHE KNOWINGLY POSSESSES A
25 PERSON'S PERSONAL IDENTIFYING INFORMATION AS DEFINED IN SECTION 191.00
26 OF THIS ARTICLE OF ANOTHER PERSON KNOWING SUCH INFORMATION IS INTENDED
27 TO BE USED IN FURTHERANCE OF THE COMMISSION OF A CRIME DEFINED IN THIS
28 CHAPTER.

29 UNLAWFUL POSSESSION OF PERSONAL IDENTIFYING INFORMATION IN THE THIRD
30 DEGREE IS A CLASS A MISDEMEANOR.

31 S 191.40 UNLAWFUL POSSESSION OF PERSONAL IDENTIFYING INFORMATION IN THE
32 SECOND DEGREE.

33 A PERSON IS GUILTY OF UNLAWFUL POSSESSION OF PERSONAL IDENTIFYING
34 INFORMATION IN THE SECOND DEGREE WHEN HE OR SHE KNOWINGLY POSSESSES
35 FIFTY OR MORE ITEMS OF PERSONAL IDENTIFYING INFORMATION AS DEFINED IN
36 SECTION 191.00 OF THIS ARTICLE KNOWING SUCH INFORMATION IS INTENDED TO
37 BE USED IN FURTHERANCE OF THE COMMISSION OF A CRIME DEFINED IN THIS
38 CHAPTER.

39 UNLAWFUL POSSESSION OF PERSONAL IDENTIFYING INFORMATION IN THE SECOND
40 DEGREE IS A CLASS E FELONY.

41 S 191.45 UNLAWFUL POSSESSION OF PERSONAL IDENTIFYING INFORMATION IN THE
42 FIRST DEGREE.

43 A PERSON IS GUILTY OF UNLAWFUL POSSESSION OF PERSONAL IDENTIFYING
44 INFORMATION IN THE FIRST DEGREE WHEN HE OR SHE COMMITS THE CRIME OF
45 UNLAWFUL POSSESSION OF PERSONAL IDENTIFYING INFORMATION IN THE SECOND
46 DEGREE AND:

47 1. WITH INTENT TO FURTHER THE COMMISSION OF IDENTITY THEFT IN THE
48 THIRD DEGREE, HE OR SHE SUPERVISES MORE THAN THREE ACCOMPLICES; OR

49 2. HE OR SHE HAS BEEN PREVIOUSLY CONVICTED WITHIN THE LAST FIVE YEARS
50 OF PETIT IDENTITY THEFT AS DEFINED IN SECTION 191.05, IDENTITY THEFT IN
51 THE FOURTH DEGREE AS DEFINED IN SECTION 191.10, IDENTITY THEFT IN THE
52 THIRD DEGREE AS DEFINED IN SECTION 191.15, IDENTITY THEFT IN THE SECOND
53 DEGREE AS DEFINED IN SECTION 191.20, IDENTITY THEFT IN THE FIRST DEGREE
54 AS DEFINED IN SECTION 191.25, IDENTITY THEFT OF MULTIPLE VICTIMS IN THE
55 FOURTH DEGREE AS DEFINED IN SECTION 191.26, IDENTITY THEFT OF MULTIPLE
56 VICTIMS IN THE THIRD DEGREE AS DEFINED IN SECTION 191.27, IDENTITY THEFT

1 OF MULTIPLE VICTIMS IN THE SECOND DEGREE AS DEFINED IN SECTION 191.28,
2 IDENTITY THEFT OF MULTIPLE VICTIMS IN THE FIRST DEGREE AS DEFINED IN
3 SECTION 191.29, UNLAWFUL POSSESSION OF PERSONAL IDENTIFYING INFORMATION
4 IN THE THIRD DEGREE AS DEFINED IN SECTION 191.35, UNLAWFUL POSSESSION OF
5 PERSONAL IDENTIFYING INFORMATION IN THE SECOND DEGREE AS DEFINED IN
6 SECTION 191.40, UNLAWFUL POSSESSION OF PERSONAL IDENTIFYING INFORMATION
7 IN THE FIRST DEGREE AS DEFINED IN THIS SECTION, UNLAWFUL POSSESSION OF A
8 SKIMMER DEVICE IN THE SECOND DEGREE AS DEFINED IN SECTION 191.55, UNLAW-
9 FUL POSSESSION OF A SKIMMER DEVICE IN THE FIRST DEGREE AS DEFINED IN
10 SECTION 191.60, GRAND LARCENY IN THE FOURTH DEGREE AS DEFINED IN SECTION
11 155.30, GRAND LARCENY IN THE THIRD DEGREE AS DEFINED IN SECTION 155.35,
12 GRAND LARCENY IN THE SECOND DEGREE AS DEFINED IN SECTION 155.40, GRAND
13 LARCENY IN THE FIRST DEGREE AS DEFINED IN SECTION 155.42, CRIMINAL
14 POSSESSION OF A FORGED INSTRUMENT IN THE THIRD DEGREE AS DEFINED IN
15 SECTION 170.20, CRIMINAL POSSESSION OF A FORGED INSTRUMENT IN THE SECOND
16 DEGREE AS DEFINED IN SECTION 170.25, CRIMINAL POSSESSION OF A FORGED
17 INSTRUMENT IN THE FIRST DEGREE AS DEFINED IN SECTION 170.30, CRIMINAL
18 POSSESSION OF STOLEN PROPERTY IN THE FIFTH DEGREE AS DEFINED IN SECTION
19 165.40, CRIMINAL POSSESSION OF STOLEN PROPERTY IN THE FOURTH DEGREE AS
20 DEFINED IN SECTION 165.45, CRIMINAL POSSESSION OF STOLEN PROPERTY IN THE
21 THIRD DEGREE AS DEFINED IN SECTION 165.50, CRIMINAL POSSESSION OF STOLEN
22 PROPERTY IN THE SECOND DEGREE AS DEFINED IN SECTION 165.52, CRIMINAL
23 POSSESSION OF STOLEN PROPERTY IN THE FIRST DEGREE AS DEFINED IN SECTION
24 165.54, OR CRIMINAL POSSESSION OF FORGERY DEVICES AS DEFINED IN SECTION
25 170.40 OF THIS CHAPTER; OR

26 3. WITH INTENT TO FURTHER THE COMMISSION OF IDENTITY THEFT IN THE
27 SECOND DEGREE:

28 A. HE OR SHE SUPERVISES MORE THAN TWO ACCOMPLICES, AND

29 B. HE OR SHE KNOWS THAT THE PERSON WHOSE PERSONAL IDENTIFYING INFORMA-
30 TION THAT HE OR SHE POSSESSES IS A MEMBER OF THE ARMED FORCES, AND

31 C. HE OR SHE KNOWS THAT SUCH MEMBER OF THE ARMED FORCES IS PRESENTLY
32 DEPLOYED OUTSIDE OF THE CONTINENTAL UNITED STATES.

33 UNLAWFUL POSSESSION OF PERSONAL IDENTIFYING INFORMATION IN THE FIRST
34 DEGREE IS A CLASS D FELONY.

35 S 191.50 DEFENSES.

36 IN ANY PROSECUTION FOR IDENTITY THEFT OR UNLAWFUL POSSESSION OF
37 PERSONAL IDENTIFYING INFORMATION PURSUANT TO THIS ARTICLE, IT SHALL BE
38 AN AFFIRMATIVE DEFENSE THAT THE PERSON CHARGED WITH THE OFFENSE:

39 1. WAS UNDER TWENTY-ONE YEARS OF AGE AT THE TIME OF COMMITTING THE
40 OFFENSE AND THE PERSON USED OR POSSESSED THE PERSONAL IDENTIFYING INFOR-
41 MATION OF ANOTHER SOLELY FOR THE PURPOSE OF PURCHASING ALCOHOL;

42 2. WAS UNDER EIGHTEEN YEARS OF AGE AT THE TIME OF COMMITTING THE
43 OFFENSE AND THE PERSON USED OR POSSESSED THE PERSONAL IDENTIFYING INFOR-
44 MATION OF ANOTHER SOLELY FOR THE PURPOSE OF PURCHASING TOBACCO PRODUCTS;
45 OR

46 3. USED OR POSSESSED THE PERSONAL IDENTIFYING INFORMATION OF ANOTHER
47 PERSON SOLELY FOR THE PURPOSE OF MISREPRESENTING THE PERSON'S AGE TO
48 GAIN ACCESS TO A PLACE THE ACCESS TO WHICH IS RESTRICTED BASED ON AGE.
49 S 191.55 UNLAWFUL POSSESSION OF A SKIMMER DEVICE IN THE SECOND DEGREE.

50 1. A PERSON IS GUILTY OF UNLAWFUL POSSESSION OF A SKIMMER DEVICE IN
51 THE SECOND DEGREE WHEN HE OR SHE POSSESSES A SKIMMER DEVICE WITH THE
52 INTENT THAT SUCH DEVICE BE USED IN FURTHERANCE OF THE COMMISSION OF THE
53 CRIME OF IDENTITY THEFT OR UNLAWFUL POSSESSION OF PERSONAL IDENTIFYING
54 INFORMATION AS DEFINED IN THIS ARTICLE.

55 2. FOR PURPOSES OF THIS ARTICLE, "SKIMMER DEVICE" MEANS A DEVICE
56 DESIGNED OR ADAPTED TO OBTAIN PERSONAL IDENTIFYING INFORMATION FROM A

CREDIT CARD, DEBIT CARD, PUBLIC BENEFIT CARD, ACCESS CARD OR DEVICE, OR OTHER CARD OR DEVICE THAT CONTAINS PERSONAL IDENTIFYING INFORMATION. UNLAWFUL POSSESSION OF A SKIMMER DEVICE IN THE SECOND DEGREE IS A CLASS A MISDEMEANOR.

S 191.60 UNLAWFUL POSSESSION OF A SKIMMER DEVICE IN THE FIRST DEGREE.

A PERSON IS GUILTY OF UNLAWFUL POSSESSION OF A SKIMMER DEVICE IN THE FIRST DEGREE WHEN HE OR SHE COMMITS THE CRIME OF UNLAWFUL POSSESSION OF A SKIMMER DEVICE IN THE SECOND DEGREE AND HE OR SHE HAS BEEN PREVIOUSLY CONVICTED WITHIN THE LAST FIVE YEARS OF IDENTITY THEFT IN THE FOURTH DEGREE AS DEFINED IN SECTION 191.10, IDENTITY THEFT IN THE THIRD DEGREE AS DEFINED IN SECTION 191.15, IDENTITY THEFT IN THE SECOND DEGREE AS DEFINED IN SECTION 191.20, IDENTITY THEFT IN THE FIRST DEGREE AS DEFINED IN SECTION 191.25, IDENTITY THEFT OF MULTIPLE VICTIMS IN THE FOURTH DEGREE AS DEFINED IN SECTION 191.26, IDENTITY THEFT OF MULTIPLE VICTIMS IN THE THIRD DEGREE AS DEFINED IN SECTION 191.27, IDENTITY THEFT OF MULTIPLE VICTIMS IN THE SECOND DEGREE AS DEFINED IN SECTION 191.28, IDENTITY THEFT OF MULTIPLE VICTIMS IN THE FIRST DEGREE AS DEFINED IN SECTION 191.29, UNLAWFUL POSSESSION OF PERSONAL IDENTIFYING INFORMATION IN THE THIRD DEGREE AS DEFINED IN SECTION 191.35, UNLAWFUL POSSESSION OF PERSONAL IDENTIFYING INFORMATION IN THE SECOND DEGREE AS DEFINED IN SECTION 191.40, UNLAWFUL POSSESSION OF PERSONAL IDENTIFYING INFORMATION IN THE FIRST DEGREE AS DEFINED IN SECTION 191.45, UNLAWFUL POSSESSION OF A SKIMMER DEVICE IN THE SECOND DEGREE AS DEFINED IN SECTION 191.55, UNLAWFUL POSSESSION OF A SKIMMER DEVICE IN THE FIRST DEGREE AS DEFINED IN THIS SECTION, GRAND LARCENY IN THE FOURTH DEGREE AS DEFINED IN SECTION 155.30, GRAND LARCENY IN THE THIRD DEGREE AS DEFINED IN SECTION 155.35, GRAND LARCENY IN THE SECOND DEGREE AS DEFINED IN SECTION 155.40, GRAND LARCENY IN THE FIRST DEGREE AS DEFINED IN SECTION 155.42, CRIMINAL POSSESSION OF A FORGED INSTRUMENT IN THE THIRD DEGREE AS DEFINED IN SECTION 170.20, CRIMINAL POSSESSION OF A FORGED INSTRUMENT IN THE SECOND DEGREE AS DEFINED IN SECTION 170.25, CRIMINAL POSSESSION OF A FORGED INSTRUMENT IN THE FIRST DEGREE AS DEFINED IN SECTION 170.30, CRIMINAL POSSESSION OF STOLEN PROPERTY IN THE FIFTH DEGREE AS DEFINED IN SECTION 165.40, CRIMINAL POSSESSION OF STOLEN PROPERTY IN THE FOURTH DEGREE AS DEFINED IN SECTION 165.45, CRIMINAL POSSESSION OF STOLEN PROPERTY IN THE THIRD DEGREE AS DEFINED IN SECTION 165.50, CRIMINAL POSSESSION OF STOLEN PROPERTY IN THE SECOND DEGREE AS DEFINED IN SECTION 165.52, CRIMINAL POSSESSION OF STOLEN PROPERTY IN THE FIRST DEGREE AS DEFINED IN SECTION 165.54, OR CRIMINAL POSSESSION OF FORGERY DEVICES AS DEFINED IN SECTION 170.40 OF THIS CHAPTER.

UNLAWFUL POSSESSION OF A SKIMMER DEVICE IN THE FIRST DEGREE IS A CLASS E FELONY.

S 3. Subdivision 1 of section 60.27 of the penal law, as amended by chapter 279 of the laws of 2008, is amended to read as follows:

1. In addition to any of the dispositions authorized by this article, the court shall consider restitution or reparation to the victim of the crime and may require restitution or reparation as part of the sentence imposed upon a person convicted of an offense, and after providing the district attorney with an opportunity to be heard in accordance with the provisions of this subdivision, require the defendant to make restitution of the fruits of his or her offense or reparation for the actual out-of-pocket loss caused thereby and, in the case of a violation of section [190.78, 190.79, 190.80, 190.82 or 190.83] 191.05, 191.10, 191.15, 191.20, 191.25 OR 191.30 of this chapter, any costs or losses incurred due to any adverse action taken against the victim. The district attorney shall where appropriate, advise the court at or before

1 the time of sentencing that the victim seeks restitution or reparation,
2 the extent of injury or economic loss or damage of the victim, and the
3 amount of restitution or reparation sought by the victim in accordance
4 with his or her responsibilities under subdivision two of section 390.50
5 of the criminal procedure law and article twenty-three of the executive
6 law. The court shall hear and consider the information presented by the
7 district attorney in this regard. In that event, or when the victim
8 impact statement reports that the victim seeks restitution or repara-
9 tion, the court shall require, unless the interests of justice dictate
10 otherwise, in addition to any of the dispositions authorized by this
11 article that the defendant make restitution of the fruits of the offense
12 and reparation for the actual out-of-pocket loss and, in the case of a
13 violation of section [190.78, 190.79, 190.80, 190.82 or 190.83] 191.05,
14 191.10, 191.15, 191.20, 191.25 OR 191.30 of this chapter, any costs or
15 losses incurred due to any adverse action, caused thereby to the victim.
16 In the event that restitution or reparation are not ordered, the court
17 shall clearly state its reasons on the record. Adverse action as used in
18 this subdivision shall mean and include actual loss incurred by the
19 victim, including an amount equal to the value of the time reasonably
20 spent by the victim attempting to remediate the harm incurred by the
21 victim from the offense, and the consequential financial losses from
22 such action.

23 S 4. Paragraph (b) of subdivision 4 of section 60.27 of the penal law,
24 as amended by section 41 of part A-1 of chapter 56 of the laws of 2010,
25 is amended to read as follows:

26 (b) the term "victim" shall include the victim of the offense, the
27 representative of a crime victim as defined in subdivision six of
28 section six hundred twenty-one of the executive law, an individual whose
29 identity was assumed or whose personal identifying information was used
30 in violation of section [190.78, 190.79 or 190.80] 191.05, 191.10,
31 191.15, 191.20, 191.25 OR 191.30 of this chapter, or any person who has
32 suffered a financial loss as a direct result of the acts of a defendant
33 in violation of section [190.78, 190.79, 190.80, 190.82 or 190.83]
34 191.05, 191.10, 191.15, 191.20, 191.25 OR 191.30 of this chapter, a good
35 samaritan as defined in section six hundred twenty-one of the executive
36 law and the office of victim services or other governmental agency that
37 has received an application for or has provided financial assistance or
38 compensation to the victim.

39 S 5. Paragraph (a) of subdivision 1 of section 460.10 of the penal
40 law, as amended by chapter 405 of the laws of 2010, is amended to read
41 as follows:

42 (a) Any of the felonies set forth in this chapter: sections 120.05,
43 120.10 and 120.11 relating to assault; sections 121.12 and 121.13 relat-
44 ing to strangulation; sections 125.10 to 125.27 relating to homicide;
45 sections 130.25, 130.30 and 130.35 relating to rape; sections 135.20 and
46 135.25 relating to kidnapping; section 135.35 relating to labor traf-
47 ficking; section 135.65 relating to coercion; sections 140.20, 140.25
48 and 140.30 relating to burglary; sections 145.05, 145.10 and 145.12
49 relating to criminal mischief; article one hundred fifty relating to
50 arson; sections 155.30, 155.35, 155.40 and 155.42 relating to grand
51 larceny; sections 177.10, 177.15, 177.20 and 177.25 relating to health
52 care fraud; article one hundred sixty relating to robbery; sections
53 165.45, 165.50, 165.52 and 165.54 relating to criminal possession of
54 stolen property; sections 165.72 and 165.73 relating to trademark coun-
55 terfeiting; sections 170.10, 170.15, 170.25, 170.30, 170.40, 170.65 and
56 170.70 relating to forgery; sections 175.10, 175.25, 175.35, 175.40 and

1 210.40 relating to false statements; sections 176.15, 176.20, 176.25 and
2 176.30 relating to insurance fraud; sections 178.20 and 178.25 relating
3 to criminal diversion of prescription medications and prescriptions;
4 sections 180.03, 180.08, 180.15, 180.25, 180.40, 180.45, 200.00, 200.03,
5 200.04, 200.10, 200.11, 200.12, 200.20, 200.22, 200.25, 200.27, 215.00,
6 215.05 and 215.19 relating to bribery; sections 187.10, 187.15, 187.20
7 and 187.25 relating to residential mortgage fraud, sections 190.40 and
8 190.42 relating to criminal usury; section 190.65 relating to schemes to
9 defraud; SECTIONS 191.05, 191.10, 191.15, 191.20, 191.25, 191.30,
10 191.35, 191.40, 191.45, 191.55 AND 191.60 RELATING TO IDENTITY THEFT;
11 sections 205.60 and 205.65 relating to hindering prosecution; sections
12 210.10, 210.15, and 215.51 relating to perjury and contempt; section
13 215.40 relating to tampering with physical evidence; sections 220.06,
14 220.09, 220.16, 220.18, 220.21, 220.31, 220.34, 220.39, 220.41, 220.43,
15 220.46, 220.55, 220.60 and 220.77 relating to controlled substances;
16 sections 225.10 and 225.20 relating to gambling; sections 230.25,
17 230.30, and 230.32 relating to promoting prostitution; section 230.34
18 relating to sex trafficking; sections 235.06, 235.07, 235.21 and 235.22
19 relating to obscenity; sections 263.10 and 263.15 relating to promoting
20 [a] AN OBSCENE sexual performance by a child; sections 265.02, 265.03,
21 265.04, 265.11, 265.12, 265.13 and the provisions of section 265.10
22 which constitute a felony relating to firearms and other dangerous weap-
23 ons; and sections 265.14 and 265.16 relating to criminal sale of a
24 firearm; and section 275.10, 275.20, 275.30, or 275.40 relating to unau-
25 thorized recordings; and sections 470.05, 470.10, 470.15 and 470.20
26 relating to money laundering; or

27 S 6. Paragraph (a) of subdivision 3 of section 490.05 of the penal
28 law, as amended by section 7 of part A of chapter 1 of the laws of 2004,
29 is amended to read as follows:

30 (a) "Specified offense" for purposes of this article means a class A
31 felony offense other than an offense as defined in article two hundred
32 twenty, a violent felony offense as defined in section 70.02,
33 manslaughter in the second degree as defined in section 125.15, criminal
34 tampering in the first degree as defined in section 145.20, identity
35 theft in the second degree as defined in section [190.79] 191.20, iden-
36 tity theft in the first degree as defined in section [190.80] 191.25,
37 unlawful possession of personal [identification] IDENTIFYING information
38 in the second degree as defined in section [190.82] 191.40, unlawful
39 possession of personal [identification] IDENTIFYING information in the
40 first degree as defined in section [190.83] 191.45, money laundering in
41 support of terrorism in the fourth degree as defined in section 470.21,
42 money laundering in support of terrorism in the third degree as defined
43 in section 470.22, money laundering in support of terrorism in the
44 second degree as defined in section 470.23, money laundering in support
45 of terrorism in the first degree as defined in section 470.24 of this
46 chapter, and includes an attempt or conspiracy to commit any such
47 offense.

48 S 7. The opening paragraph and paragraph (1) of subdivision 4 of
49 section 20.40 of the criminal procedure law, paragraph (1) as amended by
50 chapter 346 of the laws of 2007, are amended to read as follows:

51 A person may be convicted in an appropriate criminal court of a
52 particular county, of an offense of which the criminal courts of this
53 state have jurisdiction pursuant to section 20.20, committed either by
54 his OR HER own conduct or by the conduct of another for which he OR SHE
55 is legally accountable pursuant to section 20.00 of the penal law, when:

1 (1) An offense of identity theft or unlawful possession of personal
2 [identification] IDENTIFYING information AND ALL CRIMINAL ACTS COMMITTED
3 IN CONNECTION WITH THOSE CRIMES OR COMMITTED THROUGH THE CRIMINAL MISUSE
4 OF PERSONAL IDENTIFYING INFORMATION may be prosecuted (i) in any county
5 in which part of the offense took place regardless of whether the
6 defendant was actually present in such county, or (ii) in the county in
7 which the person who suffers financial loss resided at the time of the
8 commission of the offense, or (iii) in the county where the person whose
9 personal [identification] IDENTIFYING information was used in the
10 commission of the offense resided at the time of the commission of the
11 offense. The law enforcement agency of any such county shall take a
12 police report of the matter and provide the complainant with a copy of
13 such report at no charge.

14 S 8. Paragraph (s) of subdivision 8 of section 700.05 of the criminal
15 procedure law is REPEALED and a new paragraph (s) is added to read as
16 follows:

17 (S) PETIT IDENTITY THEFT AS DEFINED IN SECTION 191.05, IDENTITY THEFT
18 IN THE FOURTH DEGREE AS DEFINED IN SECTION 191.10, IDENTITY THEFT IN THE
19 THIRD DEGREE AS DEFINED IN SECTION 191.15, IDENTITY THEFT IN THE SECOND
20 DEGREE AS DEFINED IN SECTION 191.20, IDENTITY THEFT IN THE FIRST DEGREE
21 AS DEFINED IN SECTION 191.25, IDENTITY THEFT OF MULTIPLE VICTIMS IN THE
22 FOURTH DEGREE AS DEFINED IN SECTION 191.26, IDENTITY THEFT OF MULTIPLE
23 VICTIMS IN THE THIRD DEGREE AS DEFINED IN SECTION 191.27, IDENTITY THEFT
24 OF MULTIPLE VICTIMS IN THE SECOND DEGREE AS DEFINED IN SECTION 191.28,
25 IDENTITY THEFT OF MULTIPLE VICTIMS IN THE FIRST DEGREE AS DEFINED IN
26 SECTION 191.29, AGGRAVATED IDENTITY THEFT AS DEFINED IN SECTION 191.30,
27 UNLAWFUL POSSESSION OF PERSONAL IDENTIFYING INFORMATION IN THE THIRD
28 DEGREE AS DEFINED IN SECTION 191.35, UNLAWFUL POSSESSION OF PERSONAL
29 IDENTIFYING INFORMATION IN THE SECOND DEGREE AS DEFINED IN SECTION
30 191.40, UNLAWFUL POSSESSION OF PERSONAL IDENTIFYING INFORMATION IN THE
31 FIRST DEGREE AS DEFINED IN SECTION 191.45, UNLAWFUL POSSESSION OF A
32 SKIMMER DEVICE IN THE SECOND DEGREE AS DEFINED IN SECTION 191.55, OR
33 UNLAWFUL POSSESSION OF A SKIMMER DEVICE IN THE FIRST DEGREE AS DEFINED
34 IN SECTION 191.60.

35 S 9. Subdivision 2 of section 646 of the executive law, as amended by
36 chapter 346 of the laws of 2007, is amended to read as follows:

37 2. An individual whose identity was assumed or whose personal identi-
38 fying information, as defined in [section 190.77] SUBDIVISION ONE OF
39 SECTION 191.00 of the penal law, was used in violation of section
40 [190.78, 190.79 or 190.80] 191.05, 191.10, 191.15, 191.20, 191.25,
41 191.26, 191.27, 191.28, 191.29 OR 191.30 of the penal law, or any person
42 who has suffered a financial loss as a direct result of the acts of a
43 defendant in violation of section [190.78, 190.79, 190.80, 190.82 or
44 190.83] 191.05, 191.10, 191.15, 191.20, 191.25, 191.26, 191.27, 191.28,
45 191.29 OR 191.30 of the penal law, who has learned or reasonably
46 suspects that his or her personal identifying information has been
47 unlawfully used by another, may make a complaint to the local law
48 enforcement agency of the county in which any part of the offense took
49 place regardless of whether the defendant was actually present in such
50 county, or in the county in which the person who suffered financial loss
51 resided at the time of the commission of the offense, or in the county
52 where the person whose personal identification information was used in
53 the commission of the offense resided at the time of the commission of
54 the offense as provided in paragraph (1) of subdivision four of section
55 20.40 of the criminal procedure law. Said local law enforcement agency

1 shall take a police report of the matter and provide the complainant
2 with a copy of such report free of charge.

3 S 10. Paragraph (d) of subdivision 7 of section 995 of the executive
4 law, as amended by chapter 2 of the laws of 2006, is amended to read as
5 follows:

6 (d) any of the following felonies, or an attempt thereof where such
7 attempt is a felony offense:

8 aggravated assault upon a person less than eleven years old, as
9 defined in section 120.12 of the penal law; menacing in the first
10 degree, as defined in section 120.13 of the penal law; reckless endan-
11 germent in the first degree, as defined in section 120.25 of the penal
12 law; stalking in the second degree, as defined in section 120.55 of the
13 penal law; criminally negligent homicide, as defined in section 125.10
14 of the penal law; vehicular manslaughter in the second degree, as
15 defined in section 125.12 of the penal law; vehicular manslaughter in
16 the first degree, as defined in section 125.13 of the penal law;
17 persistent sexual abuse, as defined in section 130.53 of the penal law;
18 aggravated sexual abuse in the fourth degree, as defined in section
19 130.65-a of the penal law; female genital mutilation, as defined in
20 section 130.85 of the penal law; facilitating a sex offense with a
21 controlled substance, as defined in section 130.90 of the penal law;
22 unlawful imprisonment in the first degree, as defined in section 135.10
23 of the penal law; custodial interference in the first degree, as defined
24 in section 135.50 of the penal law; criminal trespass in the first
25 degree, as defined in section 140.17 of the penal law; criminal tamper-
26 ing in the first degree, as defined in section 145.20 of the penal law;
27 tampering with a consumer product in the first degree, as defined in
28 section 145.45 of the penal law; robbery in the third degree as defined
29 in section 160.05 of the penal law; identity theft in the second degree,
30 as defined in section [190.79] 191.20 of the penal law; identity theft
31 in the first degree, as defined in section [190.80] 191.25 of the penal
32 law; promoting prison contraband in the first degree, as defined in
33 section 205.25 of the penal law; tampering with a witness in the third
34 degree, as defined in section 215.11 of the penal law; tampering with a
35 witness in the second degree, as defined in section 215.12 of the penal
36 law; tampering with a witness in the first degree, as defined in section
37 215.13 of the penal law; criminal contempt in the first degree, as
38 defined in subdivisions (b), (c) and (d) of section 215.51 of the penal
39 law; aggravated criminal contempt, as defined in section 215.52 of the
40 penal law; bail jumping in the second degree, as defined in section
41 215.56 of the penal law; bail jumping in the first degree, as defined in
42 section 215.57 of the penal law; patronizing a prostitute in the second
43 degree, as defined in section 230.05 of the penal law; patronizing a
44 prostitute in the first degree, as defined in section 230.06 of the
45 penal law; promoting prostitution in the second degree, as defined in
46 section 230.30 of the penal law; promoting prostitution in the first
47 degree, as defined in section 230.32 of the penal law; compelling pros-
48 titution, as defined in section 230.33 of the penal law; disseminating
49 indecent [materials] MATERIAL to minors in the second degree, as defined
50 in section 235.21 of the penal law; disseminating indecent [materials]
51 MATERIAL to minors in the first degree, as defined in section 235.22 of
52 the penal law; riot in the first degree, as defined in section 240.06 of
53 the penal law; criminal anarchy, as defined in section 240.15 of the
54 penal law; aggravated harassment of an employee by an inmate, as defined
55 in section 240.32 of the penal law; unlawful surveillance in the second
56 degree, as defined in section 250.45 of the penal law; unlawful surveil-

1 lance in the first degree, as defined in section 250.50 of the penal
2 law; endangering the welfare of a vulnerable elderly person, OR AN
3 INCOMPETENT OR PHYSICALLY DISABLED PERSON in the second degree, as
4 defined in section 260.32 of the penal law; endangering the welfare of a
5 vulnerable elderly person, OR AN INCOMPETENT OR PHYSICALLY DISABLED
6 PERSON in the first degree, as defined in section 260.34 of the penal
7 law; use of a child in a sexual performance, as defined in section
8 263.05 of the penal law; promoting an obscene sexual performance by a
9 child, as defined in section 263.10 of the penal law; possessing an
10 obscene sexual performance by a child, as defined in section 263.11 of
11 the penal law; promoting a sexual performance by a child, as defined in
12 section 263.15 of the penal law; possessing a sexual performance by a
13 child, as defined in section 263.16 of the penal law; criminal
14 possession of a weapon in the third degree, as defined in section 265.02
15 of the penal law; criminal sale of a firearm in the third degree, as
16 defined in section 265.11 of the penal law; criminal sale of a firearm
17 to a minor, as defined in section 265.16 of the penal law; unlawful
18 wearing of a body vest, as defined in section 270.20 of the penal law;
19 hate crimes as defined in section 485.05 of the penal law; and crime of
20 terrorism, as defined in section 490.25 of the penal law; or

21 S 11. Paragraph (b) of subdivision 1 of section 899-aa of the general
22 business law, as added by chapter 442 of the laws of 2005, is amended to
23 read as follows:

24 (b) "Private information" shall mean personal information consisting
25 of any information in combination with any one or more of the following
26 data elements, when either the personal information or the data element
27 is not encrypted, or encrypted with an encryption key that has also been
28 acquired:

29 (1) social security number;

30 (2) driver's license number or non-driver identification card number;
31 [or]

32 (3) account number, credit or debit card number, in combination with
33 any required security code, access code, or password that would permit
34 access to an individual's financial account;

35 (4) MEDICAL INFORMATION; OR

36 (5) HEALTH INSURANCE INFORMATION.

37 FOR THE PURPOSES OF THIS PARAGRAPH, "MEDICAL INFORMATION" MEANS ANY
38 INFORMATION REGARDING AN INDIVIDUAL'S MEDICAL HISTORY, MENTAL OR PHYS-
39 ICAL CONDITION, OR MEDICAL TREATMENT OR DIAGNOSIS BY A HEALTH CARE
40 PROFESSIONAL AND "HEALTH INSURANCE INFORMATION" MEANS AN INDIVIDUAL'S
41 HEALTH INSURANCE POLICY NUMBER OR SUBSCRIBER IDENTIFICATION NUMBER, ANY
42 UNIQUE IDENTIFIER USED BY A HEALTH INSURER TO IDENTIFY THE INDIVIDUAL OR
43 ANY INFORMATION IN AN INDIVIDUAL'S APPLICATION AND CLAIMS HISTORY,
44 INCLUDING, BUT NOT LIMITED TO, APPEALS HISTORY.

45 "Private information" does not include publicly available information
46 which is lawfully made available to the general public from federal,
47 state, or local government records.

48 S 12. Paragraph (a) of subdivision 1 of section 208 of the state tech-
49 nology law, as added by chapter 442 of the laws of 2005, is amended to
50 read as follows:

51 (a) "Private information" shall mean personal information in combina-
52 tion with any one or more of the following data elements, when either
53 the personal information or the data element is not encrypted or
54 encrypted with an encryption key that has also been acquired:

55 (1) social security number;

1 (2) driver's license number or non-driver identification card number;
2 [or]
3 (3) account number, credit or debit card number, in combination with
4 any required security code, access code, or password which would permit
5 access to an individual's financial account[.];
6 (4) MEDICAL INFORMATION; OR
7 (5) HEALTH INSURANCE INFORMATION.
8 FOR THE PURPOSES OF THIS PARAGRAPH, "MEDICAL INFORMATION" MEANS ANY
9 INFORMATION REGARDING AN INDIVIDUAL'S MEDICAL HISTORY, MENTAL OR PHYS-
10 ICAL CONDITION, OR MEDICAL TREATMENT OR DIAGNOSIS BY A HEALTH CARE
11 PROFESSIONAL AND "HEALTH INSURANCE INFORMATION" MEANS AN INDIVIDUAL'S
12 HEALTH INSURANCE POLICY NUMBER OR SUBSCRIBER IDENTIFICATION NUMBER, ANY
13 UNIQUE IDENTIFIER USED BY A HEALTH INSURER TO IDENTIFY THE INDIVIDUAL OR
14 ANY INFORMATION IN AN INDIVIDUAL'S APPLICATION AND CLAIMS HISTORY,
15 INCLUDING, BUT NOT LIMITED TO, APPEALS HISTORY.
16 "Private information" does not include publicly available information
17 that is lawfully made available to the general public from federal,
18 state, or local government records.
19 S 13. This act shall take effect on the thirtieth day after it shall
20 have become a law.