

885

2011-2012 Regular Sessions

I N   S E N A T E

(PREFILED)

January 5, 2011

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

AN ACT to amend the criminal procedure law, in relation to expanding the geographical jurisdiction for crimes attendant to identify theft or unlawful possession of personal identification information

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

1     Section 1. Section 20.10 of the criminal procedure law is amended by  
2     adding a new subdivision 5 to read as follows:  
3     5. "CRIMINAL TRANSACTION." WHEN CONDUCT WHICH ESTABLISHES AT LEAST ONE  
4     OFFENSE, AND WHICH IS COMPRISED OF TWO OR MORE OR A GROUP OF ACTS EITHER  
5     (A) SO CLOSELY RELATED AND CONNECTED IN POINT OF TIME AND CIRCUMSTANCE  
6     OF COMMISSION AS TO CONSTITUTE A SINGLE CRIMINAL INCIDENT, OR (B) SO  
7     CLOSELY RELATED IN CRIMINAL PURPOSE OR OBJECTIVE AS TO CONSTITUTE  
8     ELEMENTS OR INTEGRAL PARTS OF A SINGLE CRIMINAL VENTURE.  
9     S 2. Paragraph (1) of subdivision 4 of section 20.40 of the criminal  
10    procedure law, as amended by chapter 346 of the laws of 2007, is amended  
11    to read as follows:  
12    (1) [An] NOTWITHSTANDING ANY PROVISION OF THIS SUBDIVISION TO THE  
13    CONTRARY, AN offense of identity theft or unlawful possession of  
14    personal identification information [may], TOGETHER WITH AN ADDITIONAL  
15    OFFENSE OR OFFENSES ARISING FROM THE SAME CRIMINAL TRANSACTION, SHALL be  
16    prosecuted (i) in any county in which part of [the] SUCH IDENTITY THEFT  
17    ON UNLAWFUL POSSESSION OF PERSONAL IDENTIFICATION INFORMATION offense  
18    took place regardless of whether the defendant was actually present in  
19    such county, or (ii) in the county in which the person who suffers  
20    financial loss resided at the time of the commission of [the] SUCH IDEN-  
21    TITY THEFT ON UNLAWFUL POSSESSION OF PERSONAL IDENTIFICATION INFORMATION  
22    offense, or (iii) in the county where the person whose personal iden-  
23    tification information was used in the commission of [the] SUCH IDENTIFY

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

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1 THEFT ON UNLAWFUL POSSESSION OF PERSONAL IDENTIFICATION INFORMATION  
2 offense resided at the time of the commission of the offense. The law  
3 enforcement agency of any such county shall take a police report of the  
4 matter and provide the complainant with a copy of such report at no  
5 charge.

6 S 3. This act shall take effect on the one hundred eightieth day after  
7 it shall have become a law.