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

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2013-2014 Regular Sessions

I N A S S E M B L Y

August 30, 2013

Introduced by M. of A. KOLB, OAKS, GIGLIO, McKEVITT -- Multi-Sponsored by -- M. of A. BARCLAY, CROUCH, JORDAN, P. LOPEZ, REILICH -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to unlawfully purchasing or selling personal identifying information

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 three new sections 190.87, 190.88 and 190.89 to read as follows:

S 190.87 PERSONAL IDENTIFYING INFORMATION; DEFINITION.

FOR THE PURPOSES OF SECTIONS 190.88 AND 190.89 OF THIS ARTICLE, THE TERM "PERSONAL IDENTIFYING INFORMATION" INCLUDES A BIRTH CERTIFICATE, PASSPORT NUMBER, DRIVER'S LICENSE NUMBER, SOCIAL SECURITY NUMBER, TAXPAYER IDENTIFICATION NUMBER, 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, PERSONAL IDENTIFICATION NUMBER, MOTHER'S MAIDEN NAME, COMPUTER SYSTEM PASSWORD, ELECTRONIC SIGNATURE OR UNIQUE BIOMETRIC DATA THAT IS A FINGERPRINT, VOICE PRINT, RETINAL IMAGE OR IRIS IMAGE OF ANOTHER PERSON.

S 190.88 UNLAWFUL PURCHASE OR SALE OF PERSONAL IDENTIFYING INFORMATION IN THE SECOND DEGREE.

A PERSON IS GUILTY OF UNLAWFUL PURCHASE OR SALE OF PERSONAL IDENTIFYING INFORMATION IN THE SECOND DEGREE WHEN HE OR SHE SELLS OR OFFERS TO SELL OR HE OR SHE PURCHASES OR OFFERS TO PURCHASE ANOTHER PERSON'S PERSONAL IDENTIFYING INFORMATION AND:

1. HE OR SHE KNOWS OR REASONABLY SHOULD KNOW THAT SUCH PERSONAL IDENTIFYING INFORMATION IS INTENDED TO BE USED TO DEFRAUD, DECEIVE OR INJURE ANOTHER; OR

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

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2. HE OR SHE KNOWS OR REASONABLY SHOULD KNOW THAT SUCH PERSONAL IDENTIFYING INFORMATION IS INTENDED TO BE USED IN FURTHERANCE OF A CRIME OR VIOLATION DEFINED IN THIS CHAPTER.

UNLAWFUL PURCHASE OR SALE OF PERSONAL IDENTIFYING INFORMATION IN THE SECOND DEGREE IS A CLASS E FELONY.

S 190.89 UNLAWFUL PURCHASE OR SALE OF PERSONAL IDENTIFYING INFORMATION IN THE FIRST DEGREE.

A PERSON IS GUILTY OF UNLAWFUL PURCHASE OR SALE OF PERSONAL IDENTIFYING INFORMATION IN THE FIRST DEGREE WHEN:

1. HE OR SHE COMMITS THE CRIME OF UNLAWFUL PURCHASE OR SALE OF PERSONAL IDENTIFYING INFORMATION IN THE SECOND DEGREE; AND

(A) HE OR SHE HAS BEEN PREVIOUSLY CONVICTED WITHIN THE LAST FIVE YEARS OF UNLAWFUL PURCHASE OR SALE OF PERSONAL IDENTIFYING INFORMATION IN THE SECOND DEGREE AS DEFINED IN SECTION 190.88 OF THIS ARTICLE; OR

(B) HE OR SHE KNOWINGLY SELLS OR OFFERS TO SELL OR PURCHASES OR OFFERS TO PURCHASE FIFTY OR MORE PERSONS' PERSONAL IDENTIFYING INFORMATION; OR

2. WITH INTENT TO FURTHER THE COMMISSION OF UNLAWFUL PURCHASE OR SALE OF PERSONAL IDENTIFYING INFORMATION IN THE SECOND DEGREE, HE OR SHE SUPERVISES MORE THAN THREE ACCOMPLICES.

UNLAWFUL PURCHASE OR SALE OF PERSONAL IDENTIFYING INFORMATION IN THE FIRST DEGREE IS A CLASS D 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.