

4046

2015-2016 Regular Sessions

I N   A S S E M B L Y

January 29, 2015

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Introduced by M. of A. BROOK-KRASNY, ROBERTS, BORELLI, GRAF, McDONOUGH,  
RAIA -- Multi-Sponsored by -- M. of A. ABBATE, ARROYO, COOK, MOSLEY,  
RIVERA, SCARBOROUGH, SCHIMEL -- read once and referred to the Commit-  
tee 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 ASSEM-  
BLY, DO ENACT AS FOLLOWS:

1     Section 1. The penal law is amended by adding two new sections 240.78  
2     and 240.79 to read as follows:  
3     S 240.78 CRIMINAL USE OF PUBLIC RECORDS; DEFINITION.  
4     FOR THE PURPOSES OF SECTION 240.79 OF THIS ARTICLE, "RECORD" SHALL  
5     HAVE THE SAME MEANING ASCRIBED TO SUCH TERM BY SUBDIVISION FOUR OF  
6     SECTION EIGHTY-SIX OF THE PUBLIC OFFICERS LAW.  
7     S 240.79 CRIMINAL USE OF PUBLIC RECORDS.  
8     A PERSON IS GUILTY OF CRIMINAL USE OF PUBLIC RECORDS WHEN HE OR SHE,  
9     WITH THE INTENT TO USE SUCH RECORD IN THE COMMISSION OF A CRIME, INTEN-  
10    TIONALLY OBTAINS ANY RECORD THROUGH THE PROCESS PROVIDED PURSUANT TO THE  
11    PUBLIC OFFICERS LAW AND ATTEMPTS TO USE OR USES SUCH RECORD IN THE  
12    COURSE OF, IN FURTHERANCE OF, OR AS AN INSTRUMENTALITY IN THE COMMISSION  
13    OF A CRIME.  
14    CRIMINAL USE OF PUBLIC RECORDS IS A CLASS E FELONY.  
15    S 2. This act shall take effect on the first of November next succeed-  
16    ing 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.

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