

1301

2015-2016 Regular Sessions

I N   S E N A T E

January 9, 2015

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Introduced by Sen. PERALTA -- 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 including certain computer offenses, criminal use of an access device, identity theft and unlawful possession of personal identification information or a skimmer device within the definition of "criminal act" for purposes of enterprise corruption

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

1     Section 1. Paragraph (a) of subdivision 1 of section 460.10 of the  
2     penal law, as amended by chapter 37 of the laws of 2014, is amended to  
3     read as follows:  
4     (a) Any of the felonies set forth in this chapter: sections 120.05,  
5     120.10 and 120.11 relating to assault; sections 121.12 and 121.13 relat-  
6     ing to strangulation; sections 125.10 to 125.27 relating to homicide;  
7     sections 130.25, 130.30 and 130.35 relating to rape; sections 135.20 and  
8     135.25 relating to kidnapping; section 135.35 relating to labor traf-  
9     ficking; section 135.65 relating to coercion; sections 140.20, 140.25  
10    and 140.30 relating to burglary; sections 145.05, 145.10 and 145.12  
11    relating to criminal mischief; article one hundred fifty relating to  
12    arson; sections 155.30, 155.35, 155.40 and 155.42 relating to grand  
13    larceny; SECTIONS 156.10, 156.25, 156.26, 156.27, 156.30 AND 156.35  
14    RELATING TO OFFENSES INVOLVING COMPUTERS; sections 177.10, 177.15,  
15    177.20 and 177.25 relating to health care fraud; article one hundred  
16    sixty relating to robbery; sections 165.45, 165.50, 165.52 and 165.54  
17    relating to criminal possession of stolen property; sections 165.72 and  
18    165.73 relating to trademark counterfeiting; sections 170.10, 170.15,  
19    170.25, 170.30, 170.40, 170.65 and 170.70 relating to forgery; sections  
20    175.10, 175.25, 175.35, 175.40 and 210.40 relating to false statements;  
21    sections 176.15, 176.20, 176.25 and 176.30 relating to insurance fraud;  
22    sections 178.20 and 178.25 relating to criminal diversion of

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

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1 prescription medications and prescriptions; sections 180.03, 180.08,  
2 180.15, 180.25, 180.40, 180.45, 200.00, 200.03, 200.04, 200.10, 200.11,  
3 200.12, 200.20, 200.22, 200.25, 200.27, 200.56, 215.00, 215.05 and  
4 215.19; sections 187.10, 187.15, 187.20 and 187.25 relating to residen-  
5 tial mortgage fraud, sections 190.40 and 190.42 relating to criminal  
6 usury; section 190.65 relating to schemes to defraud; SECTION 190.76  
7 RELATING TO CRIMINAL USE OF AN ACCESS DEVICE; SECTIONS 190.79, 190.80  
8 AND 190.80-A RELATING TO IDENTITY THEFT; SECTIONS 190.82 AND 190.83  
9 RELATING TO UNLAWFUL POSSESSION OF PERSONAL IDENTIFICATION INFORMATION;  
10 SECTION 190.86 RELATING TO UNLAWFUL POSSESSION OF A SKIMMER DEVICE; any  
11 felony defined in article four hundred ninety-six; sections 205.60 and  
12 205.65 relating to hindering prosecution; sections 210.10, 210.15, and  
13 215.51 relating to perjury and contempt; section 215.40 relating to  
14 tampering with physical evidence; sections 220.06, 220.09, 220.16,  
15 220.18, 220.21, 220.31, 220.34, 220.39, 220.41, 220.43, 220.46, 220.55,  
16 220.60, 220.65 and 220.77 relating to controlled substances; sections  
17 225.10 and 225.20 relating to gambling; sections 230.25, 230.30, and  
18 230.32 relating to promoting prostitution; section 230.34 relating to  
19 sex trafficking; sections 235.06, 235.07, 235.21 and 235.22 relating to  
20 obscenity; sections 263.10 and 263.15 relating to promoting a sexual  
21 performance by a child; sections 265.02, 265.03, 265.04, 265.11, 265.12,  
22 265.13 and the provisions of section 265.10 which constitute a felony  
23 relating to firearms and other dangerous weapons; sections 265.14 and  
24 265.16 relating to criminal sale of a firearm; section 275.10, 275.20,  
25 275.30, or 275.40 relating to unauthorized recordings; and sections  
26 470.05, 470.10, 470.15 and 470.20 relating to money laundering; or  
27 S 2. This act shall take effect on the first of November next succeed-  
28 ing the date on which it shall have become a law.