

5417

2015-2016 Regular Sessions

I N   A S S E M B L Y

February 23, 2015

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Introduced by M. of A. KOLB, OAKS, GIGLIO, McKEVITT -- Multi-Sponsored  
by -- M. of A. BARCLAY, CROUCH, LOPEZ -- 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 ASSEM-  
BLY, DO ENACT AS FOLLOWS:

1     Section 1. The penal law is amended by adding three new sections  
2     190.90, 190.91 and 190.92 to read as follows:  
3     S 190.90 PERSONAL IDENTIFYING INFORMATION; DEFINITION.  
4     FOR THE PURPOSES OF SECTIONS 190.91 AND 190.92 OF THIS ARTICLE, THE  
5     TERM "PERSONAL IDENTIFYING INFORMATION" INCLUDES A BIRTH CERTIFICATE,  
6     PASSPORT NUMBER, DRIVER'S LICENSE NUMBER, SOCIAL SECURITY NUMBER,  
7     TAXPAYER IDENTIFICATION NUMBER, FINANCIAL SERVICES ACCOUNT NUMBER OR  
8     CODE, SAVINGS ACCOUNT NUMBER OR CODE, CHECKING ACCOUNT NUMBER OR CODE,  
9     BROKERAGE ACCOUNT NUMBER OR CODE, CREDIT CARD ACCOUNT NUMBER OR CODE,  
10    DEBIT CARD NUMBER OR CODE, AUTOMATED TELLER MACHINE NUMBER OR CODE,  
11    PERSONAL IDENTIFICATION NUMBER, MOTHER'S MAIDEN NAME, COMPUTER SYSTEM  
12    PASSWORD, ELECTRONIC SIGNATURE OR UNIQUE BIOMETRIC DATA THAT IS A FING-  
13    ERPRINT, VOICE PRINT, RETINAL IMAGE OR IRIS IMAGE OF ANOTHER PERSON.  
14    S 190.91 UNLAWFUL PURCHASE OR SALE OF PERSONAL IDENTIFYING INFORMATION  
15        IN THE SECOND DEGREE.  
16    A PERSON IS GUILTY OF UNLAWFUL PURCHASE OR SALE OF PERSONAL IDENTIFY-  
17    ING INFORMATION IN THE SECOND DEGREE WHEN HE OR SHE SELLS OR OFFERS TO  
18    SELL OR HE OR SHE PURCHASES OR OFFERS TO PURCHASE ANOTHER PERSON'S  
19    PERSONAL IDENTIFYING INFORMATION AND:  
20        1. HE OR SHE KNOWS OR REASONABLY SHOULD KNOW THAT SUCH PERSONAL IDEN-  
21    TIFYING INFORMATION IS INTENDED TO BE USED TO DEFRAUD, DECEIVE OR INJURE  
22    ANOTHER; OR

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

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

4 UNLAWFUL PURCHASE OR SALE OF PERSONAL IDENTIFYING INFORMATION IN THE  
5 SECOND DEGREE IS A CLASS E FELONY.  
6 S 190.92 UNLAWFUL PURCHASE OR SALE OF PERSONAL IDENTIFYING INFORMATION  
7 IN THE FIRST DEGREE.

8 A PERSON IS GUILTY OF UNLAWFUL PURCHASE OR SALE OF PERSONAL IDENTIFY-  
9 ING INFORMATION IN THE FIRST DEGREE WHEN:

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

12 (A) HE OR SHE HAS BEEN PREVIOUSLY CONVICTED WITHIN THE LAST FIVE YEARS  
13 OF UNLAWFUL PURCHASE OR SALE OF PERSONAL IDENTIFYING INFORMATION IN THE  
14 SECOND DEGREE AS DEFINED IN SECTION 190.91 OF THIS ARTICLE; OR

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

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

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

22 S 2. This act shall take effect on the first of November next succeed-  
23 ing the date on which it shall have become a law.