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

3406

2015-2016 Regular Sessions

I N S E N A T E

February 6, 2015

Introduced by Sens. CROCI, GOLDEN -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the penal law, in relation to criminal possession of computer related material

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

Section 1. Section 156.35 of the penal law, as added by chapter 514 of the laws of 1986, is amended to read as follows:

S 156.35 Criminal possession of computer related material IN THE SECOND DEGREE.

A person is guilty of criminal possession of computer related material IN THE SECOND DEGREE when having no right to do so, he OR SHE knowingly possesses, in any form, any copy, reproduction or duplicate of any computer data or computer program which was copied, reproduced or duplicated in violation of section 156.30 of this article, with intent to benefit himself, HERSELF or a person other than an owner thereof.

Criminal possession of computer related material IN THE SECOND DEGREE is a class E felony.

S 2. The penal law is amended by adding a new section 156.36 to read as follows:

S 156.36 CRIMINAL POSSESSION OF COMPUTER RELATED MATERIAL IN THE FIRST DEGREE.

A PERSON IS GUILTY OF CRIMINAL POSSESSION OF COMPUTER RELATED MATERIAL IN THE FIRST DEGREE WHEN, AFTER THE UNAUTHORIZED USE OF A COMPUTER IN VIOLATION OF SECTION 156.05 OF THIS ARTICLE, A PERSON, HAVING NO RIGHT TO DO SO, KNOWINGLY POSSESSES, IN ANY FORM, ANY COPY, REPRODUCTION OR DUPLICATE OF ANY COMPUTER DATA OR COMPUTER PROGRAM WHICH WAS COPIED, REPRODUCED OR DUPLICATED IN VIOLATION OF SECTION 156.30 OF THIS ARTICLE, WITH INTENT TO BENEFIT HIMSELF, HERSELF OR A PERSON OTHER THAN AN OWNER THEREOF, AND THE COPYING, REPRODUCTION OR DUPLICATION OF SUCH COMPUTER DATA OR COMPUTER PROGRAM CAUSES FINANCIAL HARM TO ANOTHER PERSON, PART-

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

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NERSHIP OR CORPORATION, INDIVIDUALLY OR COLLECTIVELY, IN EXCESS OF ONE HUNDRED THOUSAND DOLLARS.

CRIMINAL POSSESSION OF COMPUTER RELATED MATERIAL IN THE FIRST DEGREE IS A CLASS B FELONY.

S 3. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.