

# STATE OF NEW YORK

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4359

2017-2018 Regular Sessions

## IN SENATE

February 10, 2017

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Introduced by Sen. VALESKY -- 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 identity theft and unlawful possession of personal identification information by means of voice recording

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision 1 of section 190.77 of the penal law, as separately amended by chapters 226 and 279 of the laws of 2008, is amended to read as follows:

2 1. For the purposes of sections 190.78, 190.79, 190.80 and 190.80-a and 190.85 of this article "personal identifying information" means a person's name, address, telephone number, date of birth, driver's license number, social security number, place of employment, mother's maiden name, 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, taxpayer identification number, computer system password, signature or copy of a signature, electronic signature, unique biometric data that is a fingerprint, voice print, voice recording, retinal image or iris image of another person, telephone calling card number, mobile identification number or code, electronic serial number or personal identification number, or any other name, number, code or information that may be used alone or in conjunction with other such information to assume the identity of another person.

3 § 2. Section 190.81 of the penal law, as added by chapter 619 of the laws of 2002, is amended to read as follows:

4 § 190.81 Unlawful possession of personal identification information in the third degree.

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

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1 A person is guilty of unlawful possession of personal identification  
2 information in the third degree when he or she knowingly possesses a  
3 person's financial services account number or code, savings account  
4 number or code, checking account number or code, brokerage account  
5 number or code, credit card account number or code, debit card number or  
6 code, automated teller machine number or code, personal identification  
7 number, mother's maiden name, computer system password, electronic  
8 signature or unique biometric data that is a fingerprint, voice print,  
9 voice recording, retinal image or iris image of another person knowing  
10 such information is intended to be used in furtherance of the commission  
11 of a crime defined in this chapter.

12 Unlawful possession of personal identification information in the  
13 third degree is a class A misdemeanor.

14 § 3. Section 190.82 of the penal law, as added by chapter 619 of the  
15 laws of 2002, is amended to read as follows:

16 § 190.82 Unlawful possession of personal identification information in  
17 the second degree.

18 A person is guilty of unlawful possession of personal identification  
19 information in the second degree when he or she knowingly possesses two  
20 hundred fifty or more items of personal identification information of  
21 the following nature: a person's financial services account number or  
22 code, savings account number or code, checking account number or code,  
23 brokerage account number or code, credit card account number or code,  
24 debit card number or code, automated teller machine number or code,  
25 personal identification number, mother's maiden name, computer system  
26 password, electronic signature or unique biometric data that is a fing-  
27 erprint, voice print, voice recording, retinal image or iris image of  
28 another person knowing such information is intended to be used in furth-  
29 erance of the commission of a crime defined in this chapter.

30 Unlawful possession of personal identification information in the  
31 second degree is a class E felony.

32 § 4. This act shall take effect immediately.