STATE OF NEW YORK

114

2017-2018 Regular Sessions

IN SENATE

(Prefiled)

January 4, 2017

Introduced by Sen. HOYLMAN -- 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 computer tampering

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

Section 1. Paragraph (c) of subdivision 5 of section 156.00 of the penal law, as amended by chapter 558 of the laws of 2006, is amended to read as follows:

(c) is not and is not intended to be available to anyone other than the person or persons rightfully in possession thereof or selected persons having access thereto with his, her or their consent and which [~~accords or may accord such rightful possessors an advantage over competitors or other persons who do not have knowledge or the benefit thereof~~] **persons other than those rightly in possession, know or should know that said material is not intended to be available to them**.

§ 2. Section 156.20 of the penal law, as amended by chapter 558 of the laws of 2006, is amended to read as follows:

§ 156.20 Computer tampering in the [~~fourth~~] **fifth** degree.

A person is guilty of computer tampering in the [~~fourth~~] **fifth** degree when he or she uses, causes to be used, or accesses a computer, computer service, or computer network without authorization and he or she intentionally alters in any manner or destroys computer data or a computer program of another person.

Computer tampering in the [~~fourth~~] **fifth** degree is a class A misdemeanor.

§ 3. Section 156.25 of the penal law, as amended by chapter 89 of the laws of 1993, subdivision 2 as amended by chapter 376 of the laws of 1997, is amended to read as follows:

§ 156.25 Computer tampering in the [~~third~~] **fourth** degree.

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

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A person is guilty of computer tampering in the [~~third~~] **fourth** degree when he **or she** commits the crime of computer tampering in the [~~fourth~~] **fifth** degree and:

1. he **or she** does so with an intent to commit or attempt to commit or further the commission of any felony; or

2. he **or she** has been previously convicted of any crime under this article or subdivision eleven of section 165.15 of this chapter; or

3. he **or she** intentionally alters in any manner or destroys computer material; or

4. he **or she** intentionally alters in any manner or destroys computer data or a computer program so as to cause damages in an aggregate amount exceeding one thousand dollars.

Computer tampering in the [~~third~~] **fourth** degree is a class E felony.

§ 4. Section 156.26 of the penal law, as amended by chapter 590 of the laws of 2008, is amended to read as follows:

§ 156.26 Computer tampering in the [~~second~~] **third** degree.

A person is guilty of computer tampering in the [~~second~~] **third** degree when he or she commits the crime of computer tampering in the [~~fourth~~] **fifth** degree and he or she intentionally alters in any manner or destroys:

1. computer data or a computer program so as to cause damages in an aggregate amount exceeding three thousand dollars; or

2. computer material that contains records of the medical history or medical treatment of an identified or readily identifiable individual or individuals and as a result of such alteration or destruction, such individual or individuals suffer serious physical injury, and he or she is aware of and consciously disregards a substantial and unjustifiable risk that such serious physical injury may occur.

Computer tampering in the [~~second~~] **third** degree is a class D felony.

§ 5. Section 156.27 of the penal law, as added by chapter 89 of the laws of 1993, is amended to read as follows:

§ 156.27 Computer tampering in the [~~first~~] **second** degree.

A person is guilty of computer tampering in the [~~first~~] **second** degree when he **or she** commits the crime of computer tampering in the [~~fourth~~] **fifth** degree and he **or she** intentionally alters in any manner or destroys computer data or a computer program so as to cause damages in an aggregate amount exceeding fifty thousand dollars.

Computer tampering in the [~~first~~] **second** degree is a class C felony.

§ 6. The penal law is amended by adding a new section 156.28 to read as follows:

§ 156.28 Computer tampering in the first degree.

A person is guilty of computer tampering in the first degree when he or she commits the crime of computer tampering in the fifth degree and he or she intentionally alters in any manner or destroys computer data or a computer program and thereby causes damages in an aggregate amount of one million dollars or more.

Computer tampering in the first degree is a class B felony.

§ 7. This act shall take effect immediately.