STATE OF NEW YORK

9537

IN ASSEMBLY

March 16, 2022

Introduced by M. of A. VANEL -- read once and referred to the Committee on Consumer Affairs and Protection

AN ACT to amend the general business law, in relation to requiring e-mail service providers to create a service for consumers to report instances of unauthorized use of an e-mail account; and to amend the penal law, in relation to establishing the crime of unauthorized use of an e-mail account

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

Section 1. The general business law is amended by adding a new section 390-d to read as follows:

§ 390-d. E-mail protection. 1. For the purposes of this section the following terms shall have the following meanings:

(a) "E-mail service provider" shall mean any person, business or organization qualified to do business in this state that provides individuals, corporations, or other entities with the ability to send e-mail messages.

(b) "Local district attorney's office" shall mean the district attorney's office located within the county in which the owner of the account resides.

(c) "Unauthorized use of an e-mail account" shall mean any instance when, without having the right or permission to do so, an individual:

(i) creates a false e-mail account using an individual's name for the purpose of soliciting money or another source of funding or any other personal information from any person or persons on such individual's contact list; or

(ii) hacks into an existing e-mail account and using such account for the purpose of soliciting money or another source of funding or any other personal information from any person or persons on such individual's contact list.

2. All e-mail service providers doing business in this state shall:

(a) Create a service for consumers living within this state to report unauthorized use of an e-mail address to such e-mail service provider; and

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

LBD13365-02-1

(b) Review any report made pursuant to paragraph (a) of this subdivision within sixty days of receipt of such report.

3. If, upon a review completed pursuant to paragraph (b) of subdivision two of this section, unauthorized use of an e-mail address is found to have occurred, the e-mail service provider shall immediately disable the e-mail account and report the account to the attorney general and the local district attorney's office.

4. The attorney general and the local district attorney's office may bring an action against a person who has been found to commit an act of unauthorized use of an e-mail account. Nothing in this section shall in any way limit rights or remedies which are otherwise available under law to the attorney general or local district attorney's office.

§ 2. The penal law is amended by adding a new section 190.80-b to read as follows:

§ 190.80-b Unauthorized use of an e-mail account.

A person is guilty of unauthorized use of an e-mail account when, having no right to do so, he or she creates a false e-mail account using an individual's name for the purpose of soliciting money or another source of funding or any other personal information from any person or persons on such individual's contact list or hacks into an existing e-mail account and using such account for the purpose of soliciting money or another source of funding from any person or persons on such individual's contact list.

Unauthorized use of an e-mail account is a class A misdemeanor.

§ 3. This act shall take effect on the ninetieth day after it shall have become a law.