STATE OF NEW YORK

140

2021-2022 Regular Sessions

IN SENATE

(Prefiled)

January 6, 2021

Introduced by Sen. THOMAS -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the civil rights law, in relation to unauthorized use of a cellular telephone or any data contained therein

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

Section 1. The civil rights law is amended by adding three new sections 79-q, 79-r and 79-s to read as follows:

§ 79-q. Unauthorized use of a cellular telephone. No person shall knowingly use, cause to be used, or access a cellular telephone or any information contained therein without authorization of the owner of such cellular telephone. In any action commenced pursuant to this section, the court may award up to five thousand dollars in damages, or an amount equal to twice the amount of any economic gain realized as a result of such unauthorized use.

§ 79-r. Tampering with a cellular telephone. No person shall intentionally alter in any manner or destroy any data on a cellular telephone belonging to another person without authorization. In any action commenced pursuant to this section, the court may award up to five thousand dollars in damages, or an amount equal to twice the amount of any economic gain realized as a result of such unauthorized use.

§ 79-s. Unauthorized possession of cellular telephone related material. No person shall knowingly possess, in any form, any copy, reproduction or duplicate of any cellular telephone data which was copied, reproduced or duplicated without consent of the owner of the cellular telephone, with intent to benefit himself or herself or a person other than an owner thereof. In any action commenced pursuant to this section, the court may award up to ten thousand dollars in damages, or an amount equal to twice the amount of any economic gain realized as a result of such unauthorized use.

§ 2. This act shall take effect immediately.

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

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