STATE OF NEW YORK

4516--B

2021-2022 Regular Sessions

IN SENATE

February 5, 2021

Introduced by Sen. KAPLAN -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the penal law, in relation to making the falsification of COVID-19 vaccination records a crime

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

Section 1. Subdivision 1 of section 170.00 of the penal law, as amended by chapter 514 of the laws of 1986, is amended to read as follows:

1. "Written instrument" means any instrument or article, including computer data or a computer program, containing written or printed matter or the equivalent thereof, used for the purpose of reciting, embodying, conveying or recording information, or constituting a symbol or evidence of value, right, privilege or identification, which is capable of being used to the advantage or disadvantage of some person. **For the purposes of this article, a card provided to a person by a vaccine provider indicating the date a person received a vaccination against COVID-19 as well as the type of vaccine and its lot number shall be considered a written instrument.**

§ 2. 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 degree.

A person is guilty of computer tampering in the third degree when he **or she** commits the crime of computer tampering in the fourth 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

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

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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**; or**

5. he or she intentionally alters in any manner or destroys computer material indicating that a person did or did not receive a vaccination against COVID-19.

Computer tampering in the third degree is a class E felony.

§ 3. This act shall take effect immediately.