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:

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.
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.