STATE OF NEW YORK

7536--A

R. R. 260

2021-2022 Regular Sessions

IN ASSEMBLY

May 13, 2021

Introduced by M. of A. DINOWITZ, GALEF, CYMBROWITZ, SILLITTI, ENGLEBRIGHT, ZINERMAN, DAVILA, FAHY, MORINELLO, LAWLER, McDONOUGH -- read once and referred to the Committee on Codes -- reported and referred to the Committee on Rules -- ordered to a third reading, passed by Assembly and delivered to the Senate, recalled from the Senate, vote reconsidered, bill amended, ordered reprinted, retaining its place on the special order of third reading

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, the type of vaccine and its lot number, and bearing a government logo or other indication that it is created by a governmental instrumentality, shall be considered a written instrument.**

§ 2. Subdivision 4 and the closing paragraph of section 156.25 of the penal law, as amended by chapter 89 of the laws of 1993, are amended and a new subdivision 5 is added to read as follows:

4. he 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**

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

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5. he 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.