

# STATE OF NEW YORK

140--A

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 -- recommitted to the Committee on Codes in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the penal law, in relation to unauthorized use of a smart phone or mobile device or any data contained therein

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

1 Section 1. Subdivision 1 of section 156.00 of the penal law, as  
2 amended by chapter 558 of the laws of 2006, is amended and a new  
3 subdivision 10 is added to read as follows:

4 1. "Computer" means a device or group of devices which, by manipu-  
5 lation of electronic, magnetic, optical or electrochemical impulses,  
6 pursuant to a computer program, can automatically perform arithmetic,  
7 logical, storage or retrieval operations with or on computer data, and  
8 includes any connected or directly related device, equipment or facility  
9 which enables such computer to store, retrieve or communicate to or from  
10 a person, another computer or another device the results of computer  
11 operations, computer programs or computer data. For the purposes of  
12 this article, a smart phone or mobile device shall be considered a  
13 computer.

14 10. "Smart phone or mobile device" means a portable computing device  
15 that: (a) has a small form factor such that it can easily be carried by  
16 a single individual; (b) is designed to operate without a physical  
17 connection; (c) possesses local, non-removable or removable data stor-  
18 age; and (d) includes a self-contained power source.

19 § 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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