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:

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

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

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

§ 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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