

# 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:

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

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

14 § 2. Section 156.25 of the penal law, as amended by chapter 89 of the  
15 laws of 1993, subdivision 2 as amended by chapter 376 of the laws of  
16 1997, is amended to read as follows:

17 § 156.25 Computer tampering in the third degree.

18 A person is guilty of computer tampering in the third degree when he  
19 or she commits the crime of computer tampering in the fourth degree and:

20 1. he or she does so with an intent to commit or attempt to commit or  
21 further the commission of any felony; or

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

LBD07421-06-1

1     2. he or she has been previously convicted of any crime under this  
2 article or subdivision eleven of section 165.15 of this chapter; or  
3     3. he or she intentionally alters in any manner or destroys computer  
4 material; or  
5     4. he or she intentionally alters in any manner or destroys computer  
6 data or a computer program so as to cause damages in an aggregate amount  
7 exceeding one thousand dollars; or  
8     5. he or she intentionally alters in any manner or destroys computer  
9 material indicating that a person did or did not receive a vaccination  
10 against COVID-19.  
11     Computer tampering in the third degree is a class E felony.  
12     § 3. This act shall take effect immediately.