STATE OF NEW YORK

7739--A

Cal. No. 787

2023-2024 Regular Sessions

IN SENATE

November 3, 2023

Introduced by Sens. SCARCELLA-SPANTON, PALUMBO -- read twice and ordered printed, and when printed to be committed to the Committee on Rules -- recommitted to the Committee on Codes in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the executive law and the general business law, in relation to requiring wireless telephone service providers disable stolen cellphones

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

Section 1. Short title. This act shall be known and may be cited as the "Detective Brian Simonsen's law".

§ 2. The executive law is amended by adding a new section 845-f to read as follows:

§ 845-f. Notification of stolen wireless telephone. Whenever any police officer designated in section 1.20 of the criminal procedure law or a peace officer designated in section 2.10 of such law, acting pursuant to such officer's special duties, is made aware a wireless telephone has been stolen or is believed to have been stolen, such officer shall notify the business entity which was providing such wireless telephone services and have such services discontinued. Any officer subject to this section shall utilize the business entity's designated process for receiving law enforcement and civil discovery requests in order to process such officer's notification. Any business entity acting in response to such a notification subject to that business entity's law enforcement response process shall be deemed to be in compliance with this section and shall be protected from any and all liability in the event that such officer's notification is later deemed to be inaccurate, unwarranted, or incorrect.

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

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§ 3. The general business law is amended by adding a new section 399-eee to read as follows:

§ 399-eee. Disabling of stolen wireless telephones. Whenever any police officer designated in section 1.20 of the criminal procedure law or a peace officer designated in section 2.10 of such law, acting pursuant to such officer's special duties, notifies any person, firm, partnership, association, limited liability company, corporation, or other business entity providing wireless telephone services, as such term is defined in paragraph (b) of subdivision one of section twelve hundred twenty-five-c of the vehicle and traffic law, that a wireless telephone using such business entity's wireless telephone services has been stolen, such business entity shall cease wireless telephone services to such stolen wireless telephone.

§ 4. This act shall take effect on the ninetieth day after it shall have become a law.