

STATE OF NEW YORK

7739--B

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 -- again amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the general business law, in relation to requiring wireless communication method service providers disable services to stolen wireless phones

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

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

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

5 § 399-eee. Disabling of services to stolen wireless phones. 1. Defi-
6 nitions. For purposes of this section, the following terms shall have
7 the following meanings:

8 (a) "International mobile equipment identifier (IMEI)" shall mean:

9 (i) a mobile equipment identifier;

10 (ii) electronic serial number; or

11 (iii) any other number or signal that:

12 (A) identifies a unique mobile wireless phone; and

13 (B) has the same function and purposes as a number described in
14 subparagraph (i) or (ii) of this paragraph.

15 (b) "GSMA block list" means an industry database that relies on infor-
16 mation reported by at least fifty commercial mobile operators, is
17 subject to access controls, is certified to the ISO/IEC 27001 or an
18 equivalent standard for information security management systems, and

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

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1 provides publicly available information to enable sellers, consumers,
2 and law enforcement to check an IMEI against lists of mobile device
3 equipment identification numbers to help prevent the use or activation
4 of mobile phones identified as stolen or fraudulently obtained.

5 2. Limiting wireless service to stolen phones. Any person, firm, part-
6 nership, association, limited liability company, corporation, or other
7 business entity providing wireless telephone services, as such term is
8 defined in paragraph (b) of subdivision one of section twelve hundred
9 twenty-five-c of the vehicle and traffic law, shall have and maintain a
10 program reasonably designed to prevent the activation on its network of
11 a phone with an international mobile equipment identity number (IMEI)
12 that appears on the GSMA block list.

13 3. Reporting of stolen wireless phones. Any person, firm, partnership,
14 association, limited liability company, corporation, or other business
15 entity providing wireless telephone services, as such term is defined in
16 paragraph (b) of subdivision one of section twelve hundred twenty-five-c
17 of the vehicle and traffic law, who is informed by a retail store opera-
18 tor of the theft of new, non-activated wireless phones, shall take
19 reasonable steps to report the IMEI numbers of those stolen phones to
20 the GSMA block list.

21 4. Disabling of service to stolen wireless phone. Any person, firm,
22 partnership, association, limited liability company, corporation, or
23 other business entity providing wireless telephone services, as such
24 term is defined in paragraph (b) of subdivision one of section twelve
25 hundred twenty-five-c of the vehicle and traffic law, shall have and
26 maintain a program reasonably designed to enable it to suspend service
27 to a stolen wireless phone upon notification by a verified customer that
28 a wireless phone has been stolen. Such program shall require the person
29 or business entity providing wireless telephone services take reasonable
30 steps to report the IMEI numbers of the stolen phone to the GSMA block
31 list.

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