

# STATE OF NEW YORK

10439

## IN ASSEMBLY

March 6, 2026

Introduced by M. of A. HYNDMAN -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, the criminal procedure law, the general business law, the state technology law and the executive law, in relation to offenses involving theft of identity; and to repeal certain provisions of the criminal procedure law and the penal law relating thereto

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

1 Section 1. Title K of the penal law is amended by adding a new article  
2 191 to read as follows:

3 ARTICLE 191

4 OFFENSES INVOLVING THEFT OF IDENTITY

5 Section 191.00 Definitions.

6 191.05 Petit identity theft.

7 191.10 Identity theft in the fourth degree.

8 191.15 Identity theft in the third degree.

9 191.20 Identity theft in the second degree.

10 191.25 Identity theft in the first degree.

11 191.30 Unlawful possession of personal identifying information  
12 in the third degree.

13 191.35 Unlawful possession of personal identifying information  
14 in the second degree.

15 191.40 Unlawful possession of personal identifying information  
16 in the first degree.

17 191.45 Defenses.

18 191.50 Unlawful possession of a skimmer device in the second  
19 degree.

20 191.55 Unlawful possession of a skimmer device in the first  
21 degree.

22 § 191.00 Definitions.

23 1. For the purposes of this article "personal identifying information"  
24 means a person's name, address, telephone number, date of birth, driv-  
25 er's license number, social security number, place of employment, moth-

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

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1 er's maiden name, financial services account number or code, savings  
2 account number or code, checking account number or code, brokerage  
3 account number or code, credit card account number or code, debit card  
4 number or code, automated teller machine number or code, taxpayer iden-  
5 tification number, computer system password, signature or copy of a  
6 signature, electronic signature, unique biometric data that is a finger-  
7 print, voice print, retinal image or iris image of another person, tele-  
8 phone calling card number, mobile identification number or code, elec-  
9 tronic serial number or personal identification number, medical  
10 information, medical insurance information, or any other name, number,  
11 code or information that may be used alone or in conjunction with other  
12 such information to assume the identity of another person.

13 2. For the purposes of this article:

14 (a) "electronic signature" shall have the same meaning as defined in  
15 subdivision three of section three hundred two of the state technology  
16 law.

17 (b) "personal identification number" means any number or code which  
18 may be used alone or in conjunction with any other information to assume  
19 the identity of another person or access financial resources or credit  
20 of another person.

21 (c) "member of the armed forces" shall mean a person in the military  
22 service of the United States or the military service of the state,  
23 including but not limited to, the armed forces of the United States, the  
24 army national guard, the air national guard, the New York naval militia,  
25 the New York guard, and such additional forces as may be created by the  
26 federal or state government as authorized by law.

27 (d) "medical information" means any information regarding an individ-  
28 ual's medical history, mental or physical condition, or medical treat-  
29 ment or diagnosis by a health care professional.

30 (e) "medical insurance information" means an individual's health  
31 insurance policy number or subscriber identification number, any unique  
32 identifier used by a health insurer to identify the individual or any  
33 information in an individual's application and claims history, includ-  
34 ing, but not limited to, appeals history.

35 § 191.05 Petit identity theft.

36 A person is guilty of petit identity theft when such person knowingly  
37 and with intent to defraud assumes the identity of another person by  
38 presenting themselves as that other person, or by acting as that other  
39 person or by using personal identifying information of that other  
40 person, and thereby obtains goods, money, property or services or uses  
41 credit in the name of such other person or causes financial loss to such  
42 person or to another person or persons.

43 Petit identity theft is a class A misdemeanor.

44 § 191.10 Identity theft in the fourth degree.

45 A person is guilty of identity theft in the fourth degree when such  
46 person knowingly and with intent to defraud:

47 1. assumes the identity of another person by presenting themselves as  
48 that other person, or by acting as that other person or by using  
49 personal identifying information of that other person, and thereby:

50 (a) obtains goods, money, property or services or uses credit in the  
51 name of such other person in an aggregate amount that exceeds five  
52 hundred dollars; or

53 (b) causes financial loss to such person or to another person or  
54 persons in an aggregate amount that exceeds five hundred dollars; or

55 (c) commits or attempts to commit a felony or acts as an accessory to  
56 the commission of a felony; or

1 (d) commits the crime of petit identity theft as defined in section  
2 191.05 of this article and knows that such other person is a member of  
3 the armed forces and that such member is presently deployed outside of  
4 the continental United States; or

5 (e) commits the crime of petit identity theft as defined in section  
6 191.05 of this article and knows that such other person is a vulnerable  
7 elderly person as defined in subdivision three of section 260.31 of this  
8 chapter, or a person who is unable to care for themselves because of phys-  
9 ical disability, mental disease or defect, or because such person is a  
10 minor; or

11 2. assumes the identity of three or more persons by presenting them-  
12 self as those other persons, or by acting as those other persons, or by  
13 using personal identifying information of those other persons, and  
14 thereby obtains goods, money, property or services or uses credit in the  
15 name of those persons, or causes financial loss to at least one such  
16 person, or to another person or persons.

17 Identity theft in the fourth degree is a class E felony.

18 § 191.15 Identity theft in the third degree.

19 A person is guilty of identity theft in the third degree when such  
20 person knowingly and with intent to defraud:

21 1. assumes the identity of another person by presenting themselves as  
22 that other person, or by acting as that other person or by using  
23 personal identifying information of that other person, and thereby:

24 (a) obtains goods, money, property or services or uses credit in the  
25 name of such other person in an aggregate amount that exceeds two thou-  
26 sand dollars; or

27 (b) causes financial loss to such person or to another person or  
28 persons in an aggregate amount that exceeds two thousand dollars; or

29 (c) commits or attempts to commit a class D felony or higher level  
30 crime or acts as an accessory to the commission of a class D or higher  
31 level felony; or

32 (d) commits the crime of identity theft in the fourth degree as  
33 defined in section 191.10 of this article and has been previously  
34 convicted within the last five years of petit identity theft as defined  
35 in section 191.05, identity theft in the fourth degree as defined in  
36 section 191.10, identity theft in the third degree as defined in this  
37 section, identity theft in the second degree as defined in section  
38 191.20, identity theft in the first degree as defined in section 191.25,  
39 unlawful possession of personal identifying information in the third  
40 degree as defined in section 191.30, unlawful possession of personal  
41 identifying information in the second degree as defined in section  
42 191.35, unlawful possession of personal identifying information in the  
43 first degree as defined in section 191.40, unlawful possession of a  
44 skimmer device in the second degree as defined in section 191.50, unlaw-  
45 ful possession of a skimmer device in the first degree as defined in  
46 section 191.55, grand larceny in the fourth degree as defined in section  
47 155.30, grand larceny in the third degree as defined in section 155.35,  
48 grand larceny in the second degree as defined in section 155.40 or grand  
49 larceny in the first degree as defined in section 155.42, criminal  
50 possession of a forged instrument in the third degree as defined in  
51 section 170.20, criminal possession of a forged instrument in the second  
52 degree as defined in section 170.25, criminal possession of a forged  
53 instrument in the first degree as defined in section 170.30, criminal  
54 possession of stolen property in the fifth degree as defined in section  
55 165.40, criminal possession of stolen property in the fourth degree as  
56 defined in section 165.45, criminal possession of stolen property in the

1 third degree as defined in section 165.50, criminal possession of stolen  
2 property in the second degree as defined in section 165.52, criminal  
3 possession of stolen property in the first degree as defined in section  
4 165.54, or criminal possession of forgery devices as defined in section  
5 170.40 of this chapter; or

6 (e) commits the crime of identity theft in the fourth degree as  
7 defined in section 191.10 of this article and knows that such other  
8 person is a member of the armed forces, and knows that such member is  
9 presently deployed outside of the continental United States; or

10 (f) commits the crime of identity theft in the fourth degree as  
11 defined in section 191.10 of this article and knows that such other  
12 person is a vulnerable elderly person as defined in subdivision three of  
13 section 260.31 of this chapter, or a person who is unable to care for  
14 themselves because of physical disability, mental disease or defect, or  
15 because such person is a minor; or

16 2. assumes the identity of ten or more persons by presenting himself  
17 as those other persons, or by acting as those other persons, or by using  
18 personal identifying information of those other persons, and thereby  
19 obtains goods, money, property or services or uses credit in the name of  
20 those persons, or causes financial loss to at least one such person, or  
21 to another person or persons.

22 Identity theft in the third degree is a class D felony.

23 § 191.20 Identity theft in the second degree.

24 A person is guilty of identity theft in the second degree when such  
25 person knowingly and with intent to defraud:

26 1. assumes the identity of another person by presenting themselves as  
27 that other person, or by acting as that other person or by using  
28 personal identifying information of that other person, and thereby:

29 (a) obtains goods, money, property or services or uses credit in the  
30 name of such other person in an aggregate amount that exceeds twenty-  
31 five thousand dollars; or

32 (b) causes financial loss to such person or to another person or  
33 persons in an aggregate amount that exceeds twenty-five thousand  
34 dollars; or

35 (c) commits or attempts to commit a class C felony or higher level  
36 crime or acts as an accessory in the commission of a class C or higher  
37 level felony; or

38 (d) commits the crime of identity theft in the third degree as defined  
39 in section 191.15 of this article and has been previously convicted  
40 within the last five years of petit identity theft as defined in section  
41 191.05, identity theft in the fourth degree as defined in section  
42 191.10, identity theft in the third degree as defined in section 191.15,  
43 identity theft in the second degree as defined in this section, identity  
44 theft in the first degree as defined in section 191.25, unlawful  
45 possession of personal identifying information in the third degree as  
46 defined in section 191.30, unlawful possession of personal identifying  
47 information in the second degree as defined in section 191.35, unlawful  
48 possession of personal identifying information in the first degree as  
49 defined in section 191.40, unlawful possession of a skimmer device in  
50 the second degree as defined in section 191.50, unlawful possession of a  
51 skimmer device in the first degree as defined in section 191.55, grand  
52 larceny in the fourth degree as defined in section 155.30, grand larceny  
53 in the third degree as defined in section 155.35, grand larceny in the  
54 second degree as defined in section 155.40 or grand larceny in the first  
55 degree as defined in section 155.42, criminal possession of a forged  
56 instrument in the third degree as defined in section 170.20, criminal

1 possession of a forged instrument in the second degree as defined in  
2 section 170.25, criminal possession of a forged instrument in the first  
3 degree as defined in section 170.30, criminal possession of stolen prop-  
4 erty in the fifth degree as defined in section 165.40, criminal  
5 possession of stolen property in the fourth degree as defined in section  
6 165.45, criminal possession of stolen property in the third degree as  
7 defined in section 165.50, criminal possession of stolen property in the  
8 second degree as defined in section 165.52, criminal possession of  
9 stolen property in the first degree as defined in section 165.54, or  
10 criminal possession of forgery devices as defined in section 170.40 of  
11 this chapter; or

12 (e) commits the crime of identity theft in the third degree as defined  
13 in section 191.15 of this article and knows that such other person is a  
14 member of the armed forces and that such member is presently deployed  
15 outside of the continental United States; or

16 (f) commits the crime of identity theft in the third degree as defined  
17 in section 191.15 of this article and knows that such other person is a  
18 vulnerable elderly person as defined in subdivision three of section  
19 260.31 of this chapter, or a person who is unable to care for themself  
20 because of physical disability, mental disease or defect, or because  
21 such person is a minor; or

22 2. assumes the identity of twenty-five or more persons by presenting  
23 themself as those other persons, or by acting as those other persons, or  
24 by using personal identifying information of those other persons, and  
25 thereby obtains goods, money, property or services or uses credit in the  
26 name of those persons, or causes financial loss to at least one such  
27 person, or to another person or persons.

28 Identity theft in the second degree is a class C felony.

29 § 191.25 Identity theft in the first degree.

30 A person is guilty of identity theft in the first degree when such  
31 person knowingly and with intent to defraud:

32 1. assumes the identity of another person by presenting themself as  
33 that other person, or by acting as that other person or by using  
34 personal identifying information of that other person, and thereby:

35 (a) obtains goods, money, property or services or uses credit in the  
36 name of such other person in an aggregate amount that exceeds two  
37 hundred thousand dollars; or

38 (b) causes financial loss to such person or to another person or  
39 persons in an aggregate amount that exceeds two hundred thousand  
40 dollars; or

41 (c) commits or attempts to commit a class B felony or higher level  
42 crime or acts as an accessory in the commission of a class B or higher  
43 level felony; or

44 (d) commits the crime of identity theft in the second degree as  
45 defined in section 191.20 of this article and has been previously  
46 convicted within the last five years of petit identity theft as defined  
47 in section 191.05, identity theft in the fourth degree as defined in  
48 section 191.10, identity theft in the third degree as defined in section  
49 191.15, identity theft in the second degree as defined in section 191.20  
50 of this article, identity theft in the first degree as defined in this  
51 section, unlawful possession of personal identifying information in the  
52 second degree as defined in section 191.35, unlawful possession of  
53 personal identifying information in the first degree as defined in  
54 section 191.40, unlawful possession of a skimmer device in the second  
55 degree as defined in section 191.50, unlawful possession of a skimmer  
56 device in the first degree as defined in section 191.55, grand larceny

1 in the fourth degree as defined in section 155.30, grand larceny in the  
2 third degree as defined in section 155.35, grand larceny in the second  
3 degree as defined in section 155.40 or grand larceny in the first degree  
4 as defined in section 155.42, criminal possession of a forged instrument  
5 in the third degree as defined in section 170.20, criminal possession of  
6 a forged instrument in the second degree as defined in section 170.25,  
7 criminal possession of a forged instrument in the first degree as  
8 defined in section 170.30, criminal possession of stolen property in the  
9 fifth degree as defined in section 165.40, criminal possession of stolen  
10 property in the fourth degree as defined in section 165.45, criminal  
11 possession of stolen property in the third degree as defined in section  
12 165.50, criminal possession of stolen property in the second degree as  
13 defined in section 165.52, criminal possession of stolen property in the  
14 first degree as defined in section 165.54, or criminal possession of  
15 forgery devices as defined in section 170.40 of this chapter; or

16 (e) commits the crime of identity theft in the second degree as  
17 defined in section 191.20 of this article and knows that such other  
18 person is a member of the armed forces, and knows that such member is  
19 presently deployed outside of the continental United States; or

20 (f) commits the crime of identity theft in the second degree as  
21 defined in section 191.20 of this article and knows that such other  
22 person is a vulnerable elderly person as defined in subdivision three of  
23 section 260.31 of this chapter, or a person who is unable to care for  
24 themselves because of physical disability, mental disease or defect, or  
25 because such person is a minor; or

26 2. assumes the identity of fifty or more persons by presenting them-  
27 self as those other persons, or by acting as those other persons, or by  
28 using personal identifying information of those other persons, and  
29 thereby obtains goods, money, property or services or uses credit in the  
30 name of those persons, or causes financial loss to at least one such  
31 person, or to another person or persons.

32 Identity theft in the first degree is a class B felony.

33 § 191.30 Unlawful possession of personal identifying information in the  
34 third degree.

35 A person is guilty of unlawful possession of personal identifying  
36 information in the third degree when such person knowingly possesses a  
37 person's personal identifying information as defined in section 191.00  
38 of this article of another person knowing such information is intended  
39 to be used in furtherance of the commission of a crime defined in this  
40 chapter.

41 Unlawful possession of personal identifying information in the third  
42 degree is a class A misdemeanor.

43 § 191.35 Unlawful possession of personal identifying information in the  
44 second degree.

45 A person is guilty of unlawful possession of personal identifying  
46 information in the second degree when such person knowingly possesses  
47 fifty or more items of personal identifying information as defined in  
48 section 191.00 of this article knowing such information is intended to  
49 be used in furtherance of the commission of a crime defined in this  
50 chapter.

51 Unlawful possession of personal identifying information in the second  
52 degree is a class E felony.

53 § 191.40 Unlawful possession of personal identifying information in the  
54 first degree.

55 A person is guilty of unlawful possession of personal identifying  
56 information in the first degree when such person commits the crime of

1 unlawful possession of personal identifying information in the second  
2 degree and:

3 1. with intent to further the commission of identity theft in the  
4 third degree, such person supervises more than three accomplices; or

5 2. such person has been previously convicted within the last five  
6 years of petit identity theft as defined in section 191.05, identity  
7 theft in the fourth degree as defined in section 191.10, identity theft  
8 in the third degree as defined in section 191.15, identity theft in the  
9 second degree as defined in section 191.20, identity theft in the first  
10 degree as defined in section 191.25, unlawful possession of personal  
11 identifying information in the third degree as defined in section  
12 191.30, unlawful possession of personal identifying information in the  
13 second degree as defined in section 191.35, unlawful possession of  
14 personal identifying information in the first degree as defined in this  
15 section, unlawful possession of a skimmer device in the second degree as  
16 defined in section 191.50, unlawful possession of a skimmer device in  
17 the first degree as defined in section 191.55, grand larceny in the  
18 fourth degree as defined in section 155.30, grand larceny in the third  
19 degree as defined in section 155.35, grand larceny in the second degree  
20 as defined in section 155.40 or grand larceny in the first degree as  
21 defined in section 155.42, criminal possession of a forged instrument in  
22 the third degree as defined in section 170.20, criminal possession of a  
23 forged instrument in the second degree as defined in section 170.25,  
24 criminal possession of a forged instrument in the first degree as  
25 defined in section 170.30, criminal possession of stolen property in the  
26 fifth degree as defined in section 165.40, criminal possession of stolen  
27 property in the fourth degree as defined in section 165.45, criminal  
28 possession of stolen property in the third degree as defined in section  
29 165.50, criminal possession of stolen property in the second degree as  
30 defined in section 165.52, criminal possession of stolen property in the  
31 first degree as defined in section 165.54, or criminal possession of  
32 forgery devices as defined in section 170.40 of this chapter; or

33 3. with intent to further the commission of identity theft in the  
34 second degree:

35 (a) such person supervises more than two accomplices, and

36 (b) such person knows that the person whose personal identifying  
37 information that such person possesses is a member of the armed forces,  
38 and

39 (c) such person knows that such member of the armed forces is present-  
40 ly deployed outside of the continental United States.

41 Unlawful possession of personal identifying information in the first  
42 degree is a class D felony.

43 § 191.45 Defenses.

44 In any prosecution for identity theft or unlawful possession of  
45 personal identifying information pursuant to this article, it shall be  
46 an affirmative defense that the person charged with the offense:

47 1. was under twenty-one years of age at the time of committing the  
48 offense and the person used or possessed the personal identifying infor-  
49 mation of another solely for the purpose of purchasing alcohol;

50 2. was under eighteen years of age at the time of committing the  
51 offense and the person used or possessed the personal identifying infor-  
52 mation of another solely for the purpose of purchasing tobacco products;  
53 or

54 3. used or possessed the personal identifying information of another  
55 person solely for the purpose of misrepresenting the person's age to  
56 gain access to a place the access to which is restricted based on age.

1 § 191.50 Unlawful possession of a skimmer device in the second degree.

2 1. A person is guilty of unlawful possession of a skimmer device in  
3 the second degree when such person possesses a skimmer device with the  
4 intent that such device be used in furtherance of the commission of the  
5 crime of identity theft or unlawful possession of personal identifying  
6 information as defined in this article.

7 2. For purposes of this article, "skimmer device" means a device  
8 designed or adapted to obtain personal identifying information from a  
9 credit card, debit card, public benefit card, access card or device, or  
10 other card or device that contains personal identifying information.

11 Unlawful possession of a skimmer device in the second degree is a  
12 class A misdemeanor.

13 § 191.55 Unlawful possession of a skimmer device in the first degree.

14 A person is guilty of unlawful possession of a skimmer device in the  
15 first degree when such person commits the crime of unlawful possession  
16 of a skimmer device in the second degree and such person has been previ-  
17 ously convicted within the last five years of identity theft in the  
18 fourth degree as defined in section 191.10, identity theft in the third  
19 degree as defined in section 191.15, identity theft in the second degree  
20 as defined in section 191.20, identity theft in the first degree as  
21 defined in section 191.25, unlawful possession of personal identifying  
22 information in the third degree as defined in section 191.30, unlawful  
23 possession of personal identifying information in the second degree as  
24 defined in section 191.35, unlawful possession of personal identifying  
25 information in the first degree as defined in section 191.40, unlawful  
26 possession of a skimmer device in the second degree as defined in  
27 section 191.50, unlawful possession of a skimmer device in the first  
28 degree as defined in this section, grand larceny in the fourth degree as  
29 defined in section 155.30, grand larceny in the third degree as defined  
30 in section 155.35, grand larceny in the second degree as defined in  
31 section 155.40, grand larceny in the first degree as defined in section  
32 155.42, criminal possession of a forged instrument in the third degree  
33 as defined in section 170.20, criminal possession of a forged instrument  
34 in the second degree as defined in section 170.25, criminal possession  
35 of a forged instrument in the first degree as defined in section 170.30,  
36 criminal possession of stolen property in the fifth degree as defined in  
37 section 165.40, criminal possession of stolen property in the fourth  
38 degree as defined in section 165.45, criminal possession of stolen prop-  
39 erty in the third degree as defined in section 165.50, criminal  
40 possession of stolen property in the second degree as defined in section  
41 165.52, criminal possession of stolen property in the first degree as  
42 defined in section 165.54, or criminal possession of forgery devices as  
43 defined in section 170.40 of this chapter.

44 Unlawful possession of a skimmer device in the first degree is a class  
45 E felony.

46 § 2. Paragraph (a) of subdivision 1 of section 460.10 of the penal  
47 law, as amended by chapter 134 of the laws of 2019, is amended to read  
48 as follows:

49 (a) Any of the felonies set forth in this chapter: sections 120.05,  
50 120.10 and 120.11 relating to assault; sections 121.12 and 121.13 relat-  
51 ing to strangulation; sections 125.10 to 125.27 relating to homicide;  
52 sections 130.25, 130.30 and 130.35 relating to rape; sections 135.20 and  
53 135.25 relating to kidnapping; sections 135.35 and 135.37 relating to  
54 labor trafficking; section 135.65 relating to coercion; sections 140.20,  
55 140.25 and 140.30 relating to burglary; sections 145.05, 145.10 and  
56 145.12 relating to criminal mischief; article one hundred fifty relating

1 to arson; sections 155.30, 155.35, 155.40 and 155.42 relating to grand  
2 larceny; sections 177.10, 177.15, 177.20 and 177.25 relating to health  
3 care fraud; article one hundred sixty relating to robbery; sections  
4 165.45, 165.50, 165.52 and 165.54 relating to criminal possession of  
5 stolen property; sections 165.72 and 165.73 relating to trademark coun-  
6 terfeiting; sections 170.10, 170.15, 170.25, 170.30, 170.40, 170.65 and  
7 170.70 relating to forgery; sections 175.10, 175.25, 175.35, 175.40 and  
8 210.40 relating to false statements; sections 176.15, 176.20, 176.25 and  
9 176.30 relating to insurance fraud; sections 178.20 and 178.25 relating  
10 to criminal diversion of prescription medications and prescriptions;  
11 sections 180.03, 180.08, 180.15, 180.25, 180.40, 180.45, 200.00, 200.03,  
12 200.04, 200.10, 200.11, 200.12, 200.20, 200.22, 200.25, 200.27, 200.56,  
13 215.00, 215.05 and 215.19 relating to bribery; sections 187.10, 187.15,  
14 187.20 and 187.25 relating to residential mortgage fraud, sections  
15 190.40 and 190.42 relating to criminal usury; section 190.65 relating to  
16 schemes to defraud; sections 191.05, 191.10, 191.15, 191.20, 191.25,  
17 191.30, 191.35, 191.40, 191.50 and 191.55 relating to identity theft;  
18 any felony defined in article four hundred ninety-six; sections 205.60  
19 and 205.65 relating to hindering prosecution; sections 210.10, 210.15,  
20 and 215.51 relating to perjury and contempt; section 215.40 relating to  
21 tampering with physical evidence; sections 220.06, 220.09, 220.16,  
22 220.18, 220.21, 220.31, 220.34, 220.39, 220.41, 220.43, 220.46, 220.55,  
23 220.60, 220.65 and 220.77 relating to controlled substances; sections  
24 225.10 and 225.20 relating to gambling; sections 230.25, 230.30, and  
25 230.32 relating to promoting prostitution; section 230.34 relating to  
26 sex trafficking; section 230.34-a relating to sex trafficking of a  
27 child; sections 235.06, 235.07, 235.21 and 235.22 relating to obscenity;  
28 sections 263.10 and 263.15 relating to promoting [a] an obscene sexual  
29 performance by a child; sections 265.02, 265.03, 265.04, 265.11, 265.12,  
30 265.13 and the provisions of section 265.10 which constitute a felony  
31 relating to firearms and other dangerous weapons; sections 265.14 and  
32 265.16 relating to criminal sale of a firearm; section 265.50 relating  
33 to the criminal manufacture, sale or transport of an undetectable  
34 firearm, rifle or shotgun; section 275.10, 275.20, 275.30, or 275.40  
35 relating to unauthorized recordings; and sections 470.05, 470.10, 470.15  
36 and 470.20 relating to money laundering; or

37 § 3. Paragraph (a) of subdivision 3 of section 490.05 of the penal  
38 law, as amended by section 7 of part A of chapter 1 of the laws of 2004,  
39 is amended to read as follows:

40 (a) "Specified offense" for purposes of this article means a class A  
41 felony offense other than an offense as defined in article two hundred  
42 twenty, a violent felony offense as defined in section 70.02,  
43 manslaughter in the second degree as defined in section 125.15, criminal  
44 tampering in the first degree as defined in section 145.20, identity  
45 theft in the second degree as defined in section [~~190.79~~] 191.20, iden-  
46 tity theft in the first degree as defined in section [~~190.80~~] 191.25,  
47 unlawful possession of personal identification information in the second  
48 degree as defined in section [~~190.82~~] 191.35, unlawful possession of  
49 personal identification information in the first degree as defined in  
50 section [~~190.83~~] 191.40, money laundering in support of terrorism in the  
51 fourth degree as defined in section 470.21, money laundering in support  
52 of terrorism in the third degree as defined in section 470.22, money  
53 laundering in support of terrorism in the second degree as defined in  
54 section 470.23, money laundering in support of terrorism in the first  
55 degree as defined in section 470.24 of this chapter, and includes an  
56 attempt or conspiracy to commit any such offense.

1 § 4. Paragraph (s) of subdivision 8 of section 700.05 of the criminal  
2 procedure law is REPEALED and a new paragraph (s) is added to read as  
3 follows:

4 (s) Petit identity theft as defined in section 191.05, identity theft  
5 in the fourth degree as defined in section 191.10, identity theft in the  
6 third degree as defined in section 191.15, identity theft in the second  
7 degree as defined in section 191.20, identity theft in the first degree  
8 as defined in section 191.25, unlawful possession of personal identify-  
9 ing information in the third degree as defined in section 191.30, unlaw-  
10 ful possession of personal identifying information in the second degree  
11 as defined in section 191.35, unlawful possession of personal identify-  
12 ing information in the first degree as defined in section 191.40, unlaw-  
13 ful possession of a skimmer device in the second degree as defined in  
14 section 191.50, or unlawful possession of a skimmer device in the first  
15 degree as defined in section 191.55 of the penal law.

16 § 5. Paragraph (b) of subdivision 1 of section 899-aa of the general  
17 business law, as amended by chapter 117 of the laws of 2019 and clauses  
18 (6) and (7) of subparagraph (i) as amended by chapter 30 of the laws of  
19 2025, is amended to read as follows:

20 (b) "Private information" shall mean either: (i) personal information  
21 consisting of any information in combination with any one or more of the  
22 following data elements, when either the data element or the combination  
23 of personal information plus the data element is not encrypted, or is  
24 encrypted with an encryption key that has also been accessed or  
25 acquired:

- 26 (1) social security number;
- 27 (2) driver's license number or non-driver identification card number;
- 28 (3) account number, credit or debit card number, in combination with  
29 any required security code, access code, password or other information  
30 that would permit access to an individual's financial account;
- 31 (4) account number, credit or debit card number, if circumstances  
32 exist wherein such number could be used to access an individual's finan-  
33 cial account without additional identifying information, security code,  
34 access code, or password; [~~ex~~]
- 35 (5) biometric information, meaning data generated by electronic meas-  
36 urements of an individual's unique physical characteristics, such as a  
37 fingerprint, voice print, retina or iris image, or other unique physical  
38 representation or digital representation of biometric data which are  
39 used to authenticate or ascertain the individual's identity; [~~ex~~]
- 40 (6) medical information, meaning any information regarding an individ-  
41 ual's medical history, mental or physical condition, or medical treat-  
42 ment or diagnosis by a health care professional; [~~ex~~]
- 43 (7) health insurance information, meaning an individual's health  
44 insurance policy number or subscriber identification number, any unique  
45 identifier used by a health insurer to identify the individual or any  
46 information in an individual's application and claims history, including  
47 but not limited to, appeals history; [~~ex~~]

48 (8) medical information;

49 (9) health insurance information; or

50 (ii) a user name or e-mail address in combination with a password or  
51 security question and answer that would permit access to an online  
52 account.

53 For the purposes of this paragraph, "medical information" means any  
54 information regarding an individual's medical history, mental or phys-  
55 ical condition, or medical treatment or diagnosis by a health care  
56 professional and "health insurance information" means an individual's

1 health insurance policy number or subscriber identification number, and  
2 unique identifier used by a health insurer to identify the individual or  
3 any information in an individual's application and claims history,  
4 including, but not limited to, appeals history.

5 "Private information" does not include publicly available information  
6 which is lawfully made available to the general public from federal,  
7 state, or local government records.

8 § 6. Paragraph (a) of subdivision 1 of section 208 of the state tech-  
9 nology law, as amended by chapter 117 of the laws of 2019, is amended to  
10 read as follows:

11 (a) "Private information" shall mean either: (i) personal information  
12 consisting of any information in combination with any one or more of the  
13 following data elements, when either the data element or the combination  
14 of personal information plus the data element is not encrypted or  
15 encrypted with an encryption key that has also been accessed or  
16 acquired:

17 (1) social security number;

18 (2) driver's license number or non-driver identification card number;

19 (3) account number, credit or debit card number, in combination with  
20 any required security code, access code, password or other information  
21 which would permit access to an individual's financial account;

22 (4) account number, or credit or debit card number, if circumstances  
23 exist wherein such number could be used to access ~~to~~ an individual's  
24 financial account without additional identifying information, security  
25 code, access code, or password; ~~or~~

26 (5) biometric information, meaning data generated by electronic meas-  
27 urements of an individual's unique physical characteristics, such as  
28 fingerprint, voice print, or retina or iris image, or other unique phys-  
29 ical representation or digital representation which are used to authen-  
30 ticate or ascertain the individual's identity; ~~or~~

31 (6) medical information;

32 (7) health insurance information; or

33 (ii) a user name or e-mail address in combination with a password or  
34 security question and answer that would permit access to an online  
35 account.

36 For the purposes of this paragraph, "medical information" means any  
37 information regarding an individual's medical history, mental or phys-  
38 ical condition, or medical treatment or diagnosis by a health care  
39 professional and "health insurance information" means an individual's  
40 health insurance policy number or subscriber identification number, and  
41 unique identifier used by a health insurer to identify the individual or  
42 any information in an individual's application and claims history,  
43 including, but not limited to, appeals history.

44 "Private information" does not include publicly available information  
45 that is lawfully made available to the general public from federal,  
46 state, or local government records.

47 § 7. Sections 190.77, 190.78, 190.79, 190.80, 190.80-a, 190.81,  
48 190.82, 190.83, 190.84, 190.85 and 190.86 of the penal law are REPEALED.

49 § 8. Subdivision 1 of section 60.27 of the penal law, as amended by  
50 chapter 279 of the laws of 2008, is amended to read as follows:

51 1. In addition to any of the dispositions authorized by this article,  
52 the court shall consider restitution or reparation to the victim of the  
53 crime and may require restitution or reparation as part of the sentence  
54 imposed upon a person convicted of an offense, and after providing the  
55 district attorney with an opportunity to be heard in accordance with the  
56 provisions of this subdivision, require the defendant to make restitu-

1 tion of the fruits of [~~his or her~~] such defendant's offense or repara-  
2 tion for the actual out-of-pocket loss caused thereby and, in the case  
3 of a violation of section [~~190.78, 190.79, 190.80, 190.82 or 190.83~~]  
4 191.05, 191.10, 191.15, 191.20 or 191.25 of this chapter, any costs or  
5 losses incurred due to any adverse action taken against the victim. The  
6 district attorney shall where appropriate, advise the court at or before  
7 the time of sentencing that the victim seeks restitution or reparation,  
8 the extent of injury or economic loss or damage of the victim, and the  
9 amount of restitution or reparation sought by the victim in accordance  
10 with [~~his or her~~] such district attorney's responsibilities under subdivi-  
11 sion two of section 390.50 of the criminal procedure law and article  
12 twenty-three of the executive law. The court shall hear and consider the  
13 information presented by the district attorney in this regard. In that  
14 event, or when the victim impact statement reports that the victim seeks  
15 restitution or reparation, the court shall require, unless the interests  
16 of justice dictate otherwise, in addition to any of the dispositions  
17 authorized by this article that the defendant make restitution of the  
18 fruits of the offense and reparation for the actual out-of-pocket loss  
19 and, in the case of a violation of section [~~190.78, 190.79, 190.80,~~  
20 ~~190.82 or 190.83~~] 191.05, 191.10, 191.15, 191.20 or 191.25 of this chap-  
21 ter, any costs or losses incurred due to any adverse action, caused  
22 thereby to the victim. In the event that restitution or reparation are  
23 not ordered, the court shall clearly state its reasons on the record.  
24 Adverse action as used in this subdivision shall mean and include actual  
25 loss incurred by the victim, including an amount equal to the value of  
26 the time reasonably spent by the victim attempting to remediate the harm  
27 incurred by the victim from the offense, and the consequential financial  
28 losses from such action.

29 § 9. Paragraph (b) of subdivision 4 of section 60.27 of the penal law,  
30 as amended by chapter 313 of the laws of 2011, is amended to read as  
31 follows:

32 (b) the term "victim" shall include the victim of the offense, the  
33 representative of a crime victim as defined in subdivision six of  
34 section six hundred twenty-one of the executive law, an individual whose  
35 identity was assumed or whose personal identifying information was used  
36 in violation of section [~~190.78, 190.79 or 190.80~~] 191.05, 191.10,  
37 191.15, 191.20 or 191.25 of this chapter, or any person who has suffered  
38 a financial loss as a direct result of the acts of a defendant in  
39 violation of section [~~190.78, 190.79, 190.80, 190.82 or 190.83~~] 191.05,  
40 191.10, 191.15, 191.20 or 191.25 of this chapter, a good samaritan as  
41 defined in section six hundred twenty-one of the executive law and the  
42 office of victim services or other governmental agency that has received  
43 an application for or has provided financial assistance or compensation  
44 to the victim. A victim shall also mean any owner or lawful producer of  
45 a master recording, or a trade association that represents such owner or  
46 lawful producer, that has suffered injury as a result of an offense as  
47 defined in article two hundred seventy-five of this chapter.

48 § 10. Subdivision 2 of section 646 of the executive law, as amended by  
49 chapter 346 of the laws of 2007, is amended to read as follows:

50 2. An individual whose identity was assumed or whose personal identi-  
51 fying information, as defined in [~~section 190.77~~] subdivision one of  
52 section 191.00 of the penal law, was used in violation of section  
53 [~~190.78, 190.79 or 190.80~~] 191.05, 191.10, 191.15, 191.20 or 191.25 of  
54 the penal law, or any person who has suffered a financial loss as a  
55 direct result of the acts of a defendant in violation of section  
56 [~~190.78, 190.79, 190.80, 190.82 or 190.83~~] 191.05, 191.10, 191.15,

1 191.20 or 191.25 of the penal law, who has learned or reasonably  
2 suspects that [~~his or her~~] such individual's personal identifying infor-  
3 mation has been unlawfully used by another, may make a complaint to the  
4 local law enforcement agency of the county in which any part of the  
5 offense took place regardless of whether the defendant was actually  
6 present in such county, or in the county in which the person who  
7 suffered financial loss resided at the time of the commission of the  
8 offense, or in the county where the person whose personal identification  
9 information was used in the commission of the offense resided at the  
10 time of the commission of the offense as provided in paragraph (1) of  
11 subdivision four of section 20.40 of the criminal procedure law. Said  
12 local law enforcement agency shall take a police report of the matter  
13 and provide the complainant with a copy of such report free of charge.  
14 § 11. This act shall take effect immediately.