

STATE OF NEW YORK

8302

2025-2026 Regular Sessions

IN SENATE

May 30, 2025

Introduced by Sen. COMRIE -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the penal law and the general business law, in relation to enacting the "prevention of damage to critical infrastructure act of 2025"

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

1 Section 1. This act shall be known and may be cited as the "prevention
2 of damage to critical infrastructure act of 2025".

3 § 2. Section 145.15 of the penal law, as amended by chapter 585 of the
4 laws of 2006, is amended to read as follows:

5 § 145.15 Criminal tampering in the second degree.

6 1. For purposes of this section, a "critical infrastructure provider"
7 shall mean a utility company as defined in subdivision twenty-three of
8 section two of the public service law, a cable television company as
9 defined in subdivision one of section two hundred twelve of the public
10 service law, an internet service provider as defined in paragraph (g) of
11 subdivision one of section two hundred twenty-four-c of the public
12 service law, a cellular telephone company, any other person or entity
13 providing voice or data communications services to the public, regard-
14 less of its regulatory status under state or federal law, or a public
15 utility authority subject to the provisions of article five of the
16 public authorities law.

17 2. A person is guilty of criminal tampering in the second degree when,
18 having no right to do so nor any reasonable ground to believe that [he]
19 such person has such right, [he or she] such person tampers with,
20 damages or makes connection with property of a [gas, electric, sewer,
21 steam or water works corporation, telephone or telegraph corporation,
22 common carrier, nuclear powered electric generating facility, or public
23 utility operated by a municipality or district, except that in any pros-
24 ecution under this section, it is an affirmative defense that the

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

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1 ~~defendant did not engage in such conduct for a larcenous or otherwise~~
 2 ~~unlawful or wrongful purpose] critical infrastructure provider.~~

3 Criminal tampering in the second degree is a class A misdemeanor.

4 § 3. Section 145.20 of the penal law, as amended by chapter 585 of the
 5 laws of 2006, is amended to read as follows:

6 § 145.20 Criminal tampering in the first degree.

7 1. For purposes of this section, a "critical infrastructure provider"
 8 shall mean a utility company as defined in subdivision twenty-three of
 9 section two of the public service law, a cable television company as
 10 defined in subdivision one of section two hundred twelve of the public
 11 service law, an internet service provider as defined in paragraph (g) of
 12 subdivision one of section two hundred twenty-four-c of the public
 13 service law, a cellular telephone company, any other person or entity
 14 providing voice or data communications services to the public, regard-
 15 less of its regulatory status under state or federal law, or a public
 16 utility authority subject to the provisions of article five of the
 17 public authorities law.

18 2. A person is guilty of criminal tampering in the first degree when,
 19 with intent to cause a substantial interruption or impairment of a
 20 service rendered to the public, and having no right to do so nor any
 21 reasonable ground to believe that [~~he or she~~] such person has such
 22 right, [~~he or she~~] such person damages or tampers with property of a
 23 [~~gas, electric, sewer, steam or water works corporation, telephone or~~
 24 ~~telegraph corporation, common carrier, nuclear powered electric generat-~~
 25 ~~ing facility, or public utility operated by a municipality or district]~~
 26 critical infrastructure provider, and thereby causes such substantial
 27 interruption or impairment of service.

28 Criminal tampering in the first degree is a class D felony.

29 § 4. Section 62 of the general business law, as amended by chapter 302
 30 of the laws of 2007, is amended to read as follows:

31 § 62. Statement required from persons selling certain property. 1. On
 32 purchasing any pig or pigs of metal, bronze or brass castings or parts
 33 thereof, sprues or gates or parts thereof, copper wire, tubing or cable,
 34 or brass car journals, or metal beer kegs, such junk dealer shall:

35 (a) cause to be subscribed by the person from whom purchased a state-
 36 ment [~~as to~~] setting forth: (i) the date of the purchase, (ii) when,
 37 where and from whom [~~he or she~~] such person obtained such property or
 38 other proof of authorization to sell such items, [~~also his or her~~] (iii)
 39 such person's identity as verified by a government issued identification
 40 card, (iv) such person's age, residence address by city, village or
 41 town, and the street and number thereof, if any, (v) the driver's
 42 license number or similar information from another form of a government
 43 issued photographic identification card, if any, of such person, and
 44 [~~otherwise such description as will reasonably locate the same, his or~~
 45 ~~her~~] (vi) such person's occupation and name of [~~his or her~~] such
 46 person's employer and place of employment or business[~~, which statement~~
 47 ~~the junk dealer shall~~];

48 (b) forthwith file such statement in the office of the chief of police
 49 of the city or village in which the purchase was made, if made in a city
 50 or incorporated village, and otherwise in the office of the sheriff of
 51 the county in which made[~~, The junk metal dealer shall also~~]; and

52 (c) make and retain a copy of the government issued photographic iden-
 53 tification card used to verify the identity of the person from whom the
 54 junk metal was purchased and shall retain this copy in a separate book
 55 or register for two years from the date of purchase of the junk metal
 56 and include an additional copy of this identification with the informa-

1 tion required to be transmitted to the chief of police or sheriff pursu-
2 ant to this section.

3 2. For the purposes of this section, "government issued identifica-
4 tion" means any current and valid official form of identification issued
5 by the government of the United States of America, a state, territory,
6 protectorate, or dependency of the United States of America, a county,
7 municipality or subdivision thereof, any public agency or department
8 thereof, or any public employer, which requires and bears the signature
9 and photograph of the person to whom it is issued.

10 § 5. The general business law is amended by adding a new section 63-b
11 to read as follows:

12 § 63-b. Prohibition on sale of certain items. 1. Notwithstanding any
13 provision of law, rule or regulation to the contrary, it shall be unlaw-
14 ful to sell, offer for sale, or purchase as junk, metal that: (a) is
15 marked with the name, logo, or initials of a critical infrastructure
16 provider, as such term is defined in subdivision three of this section;
17 (b) has been altered for the purpose of removing, concealing, or oblit-
18 erating such name, logo, or initials through burning or cutting of wire
19 sheathing or other means; or (c) is a wire or cable of a type commonly
20 used by communications and electrical utilities.

21 2. This section shall not apply to the sale, offer for sale, or
22 purchase as junk, of such items by a duly authorized employee or repre-
23 sentative of a critical infrastructure provider acting in their official
24 capacity.

25 3. For purposes of this section, a "critical infrastructure provider"
26 shall mean a utility company as defined in subdivision twenty-three of
27 section two of the public service law, a cable television company as
28 defined in subdivision one of section two hundred twelve of the public
29 service law, an internet service provider as defined in paragraph (g) of
30 subdivision one of section two hundred twenty-four-c of the public
31 service law, a cellular telephone company, any other person or entity
32 providing voice or data communications services to the public, regard-
33 less of its regulatory status under state or federal law, or a public
34 utility authority subject to the provisions of article five of the
35 public authorities law.

36 § 6. Section 64 of the general business law is amended to read as
37 follows:

38 § 64. Penalty. Each violation of this article, either by the junk
39 dealer, the agent or servant thereof, and each false statement made in
40 or on any statement or tag above mentioned shall be a misdemeanor [~~and~~].
41 Whenever a junk dealer commits a misdemeanor under this article, the
42 person convicted shall, in addition to other penalties imposed, forfeit
43 [~~his~~] their license to do business. [~~But nothing herein contained shall~~
44 ~~apply to cities of the first class.~~]

45 § 7. Section 69-e of the general business law, as added by chapter 431
46 of the laws of 1976, is amended to read as follows:

47 § 69-e. Definitions. For the purposes of this article:

48 1. "Scrap metal processing facility" shall mean an establishment
49 engaged primarily in the purchase, processing and shipment of ferrous
50 and/or non-ferrous scrap, the end product of which is the production of
51 raw material for remelting purposes for steel mills, [~~foundaries~~] found-
52 ries, smelters, refiners, and similar users.

53 2. "Scrap processor" shall mean any person, association, partnership
54 or corporation operating and maintaining a "scrap metal processing
55 facility".

1 3. "Government issued identification" means any current and valid
 2 official form of identification issued by the government of the United
 3 States of America, a state, territory, protectorate, or dependency of
 4 the United States of America, a county, municipality or subdivision
 5 thereof, any public agency or department thereof, or any public employ-
 6 er, which requires and bears the signature and photograph of the person
 7 to whom it is issued.

8 § 8. Section 69-g of the general business law, as amended by chapter
 9 302 of the laws of 2007, is amended to read as follows:

10 § 69-g. Records. 1. Such scrap processor shall record (i) each
 11 purchase of any pig or pigs of metal, bronze or brass castings or parts
 12 thereof, sprues or gates or parts thereof, [~~utility~~] copper wire, cable
 13 or tubing or brass car journals, or of metal beer kegs, and (ii) each
 14 purchase of iron, steel and/or nonferrous scrap for a price of fifty
 15 dollars or more, and preserve such record for a period of three years[~~+~~
 16 ~~which record shall show the date of purchase, name of seller, his~~].

17 2. The record required by subdivision one of this section shall
 18 include a statement subscribed by the seller setting forth (i) the date
 19 of the purchase and the type and quantity of material purchased, (ii)
 20 when, where, and from whom the seller obtained such property, or other
 21 proof of authorization to sell such items, (iii) the seller's identity
 22 as verified by a government issued identification card, (iv) the sell-
 23 er's residence address by street, number, city, village or town, and (v)
 24 the driver's license number or similar information from another form of
 25 a government issued [photographic] identification card, if any, of such
 26 person[~~, or by such description as will reasonably locate the seller,~~
 27 ~~the type and quantity of such purchase, and the scrap processor shall~~
 28 ~~cause such record to be signed by the seller or his agent. It shall be~~
 29 ~~unlawful for any seller to refuse to furnish such information or to~~
 30 ~~furnish incorrect or incomplete information].~~

31 3. Such scrap processor shall also make and retain a copy of the
 32 government issued photographic identification card used to verify the
 33 identity of the person from whom the scrap metal was purchased and shall
 34 retain this copy in a separate book, register or electronic archive for
 35 two years from the date of purchase.

36 [~~2-~~] 4. Such records shall be available for inspection by the police
 37 department of the state or the municipality in which the establishment
 38 is located.

39 § 9. Section 69-h of the general business law, as added by chapter 431
 40 of the laws of 1976, is renumbered section 69-i and is amended to read
 41 as follows:

42 § 69-i. Penalty. 1. Each violation of this article by a scrap process-
 43 or shall be a violation subject to a fine of not more than two hundred
 44 dollars, unless such violation shall be wilful, in which event it shall
 45 be a misdemeanor except, however, the scrap processor shall not be
 46 liable for any violation of this article by a seller, his agent, or a
 47 purported seller or agent.

48 2. [~~Each violation of this article by a seller or his agent shall be~~
 49 ~~a]~~ Whenever a scrap processor commits a misdemeanor under this article,
 50 the person convicted shall, in addition to other penalties imposed,
 51 forfeit their license to do business.

52 § 10. The general business law is amended by adding a new section 69-h
 53 to read as follows:

54 § 69-h. Prohibition on sale of certain items. 1. Notwithstanding any
 55 provision of law, rule or regulation to the contrary, it shall be unlaw-
 56 ful to sell, offer for sale, or purchase as scrap, metal that: (i) is

1 marked with the name, logo, or initials of a critical infrastructure
2 provider, as such term is defined in subdivision one of section 145.15
3 of the penal law; (ii) has been altered for the purpose of removing,
4 concealing, or obliterating such name, logo, or initials through burning
5 or cutting of wire sheathing or other means; or (iii) is a wire or cable
6 of a type commonly used by critical infrastructure providers.

7 2. This section shall not apply to the sale, offer for sale, or
8 purchase as scrap, of such items by a duly authorized employee or repre-
9 sentative of a critical infrastructure provider acting in their official
10 capacity.

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