

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.

LBD00123-03-6

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 themself 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 themself 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.