

STATE OF NEW YORK

8675--B

Cal. No. 216

2025-2026 Regular Sessions

IN ASSEMBLY

May 27, 2025

Introduced by M. of A. BRAUNSTEIN -- read once and referred to the Committee on Corporations, Authorities and Commissions -- reference changed to the Committee on Ways and Means -- reported and referred to the Committee on Rules -- ordered to a third reading -- amended on the special order of third reading, ordered reprinted as amended, retaining its place on the special order of third reading -- ordered to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

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 2026"

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 2026".

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, an electric plant as defined in
9 subdivision twelve of section two of the public service law, a cable
10 television company as defined in subdivision one of section two hundred
11 twelve of the public service law, an internet service provider as
12 defined in paragraph (g) of subdivision one of section two hundred twen-
13 ty-four-c of the public service law, a cellular telephone company, any
14 other person or entity providing voice or data communications services
15 to the public, regardless of its regulatory status under state or feder-
16 al law, or a public utility authority subject to the provisions of arti-
17 cle five of the public authorities law.

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

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1 2. A person is guilty of criminal tampering in the second degree when,
 2 having no right to do so nor any reasonable ground to believe that [~~he~~]
 3 such person has such right, [~~he or she~~] such person tampers with,
 4 damages or makes connection with property of a [~~gas, electric, sewer,~~
 5 ~~steam or water works corporation, telephone or telegraph corporation,~~
 6 ~~common carrier, nuclear powered electric generating facility, or public~~
 7 ~~utility operated by a municipality or district, except that in any pro-~~
 8 ~~secution under this section, it is an affirmative defense that the~~
 9 ~~defendant did not engage in such conduct for a larcenous or otherwise~~
 10 ~~unlawful or wrongful purpose] critical infrastructure provider.~~

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

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

14 § 145.20 Criminal tampering in the first degree.

15 1. For purposes of this section, a "critical infrastructure provider"
 16 shall mean a utility company as defined in subdivision twenty-three of
 17 section two of the public service law, an electric plant as defined in
 18 subdivision twelve of section two of the public service law, a cable
 19 television company as defined in subdivision one of section two hundred
 20 twelve of the public service law, an internet service provider as
 21 defined in paragraph (g) of subdivision one of section two hundred twen-
 22 ty-four-c of the public service law, a cellular telephone company, any
 23 other person or entity providing voice or data communications services
 24 to the public, regardless of its regulatory status under state or feder-
 25 al law, or a public utility authority subject to the provisions of arti-
 26 cle five of the public authorities law.

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

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

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

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

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

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

5 (c) make and retain a copy of the government issued photographic iden-
6 tification card used to verify the identity of the person from whom the
7 junk metal was purchased and shall retain this copy in a separate book
8 or register for two years from the date of purchase of the junk metal
9 and include an additional copy of this identification with the informa-
10 tion required to be transmitted to the chief of police or sheriff pursu-
11 ant to this section.

12 2. For the purposes of this section, "government issued identifica-
13 tion" means any current and valid official form of identification issued
14 by the government of the United States of America, a state, territory,
15 protectorate, or dependency of the United States of America, a county,
16 municipality or subdivision thereof, any public agency or department
17 thereof, or any public employer, which requires and bears the signature
18 and photograph of the person to whom it is issued.

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

21 § 63-b. Prohibition on sale of certain items. 1. Notwithstanding any
22 provision of law, rule or regulation to the contrary, it shall be unlaw-
23 ful to sell, offer for sale, or purchase as junk, metal that: (a) is
24 marked with the name, logo, or initials of a critical infrastructure
25 provider, as such term is defined in subdivision three of this section;
26 (b) has been altered for the purpose of removing, concealing, or oblit-
27 erating such name, logo, or initials through burning or cutting of wire
28 sheathing or other means; or (c) is a wire or cable of a type commonly
29 used by communications and electrical utilities.

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

34 3. For purposes of this section, a "critical infrastructure provider"
35 shall mean a utility company as defined in subdivision twenty-three of
36 section two of the public service law, an electric plant as defined in
37 subdivision twelve of section two of the public service law, a cable
38 television company as defined in subdivision one of section two hundred
39 twelve of the public service law, an internet service provider as
40 defined in paragraph (g) of subdivision one of section two hundred twen-
41 ty-four-c of the public service law, a cellular telephone company, any
42 other person or entity providing voice or data communications services
43 to the public, regardless of its regulatory status under state or feder-
44 al law, or a public utility authority subject to the provisions of arti-
45 cle five of the public authorities law.

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

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

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

1 § 69-e. Definitions. For the purposes of this article:

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

7 2. "Scrap processor" shall mean any person, association, partnership
8 or corporation operating and maintaining a "scrap metal processing
9 facility".

10 3. "Government issued identification" means any current and valid
11 official form of identification issued by the government of the United
12 States of America, a state, territory, protectorate, or dependency of
13 the United States of America, a county, municipality or subdivision
14 thereof, any public agency or department thereof, or any public employ-
15 er, which requires and bears the signature and photograph of the person
16 to whom it is issued.

17 § 8. Section 69-g of the general business law, as amended by chapter
18 302 of the laws of 2007, is amended to read as follows:

19 § 69-g. Records. 1. Such scrap processor shall record (i) each
20 purchase of any pig or pigs of metal, bronze or brass castings or parts
21 thereof, sprues or gates or parts thereof, [~~utility~~] copper wire, cable
22 or tubing or brass car journals, or of metal beer kegs, and (ii) each
23 purchase of iron, steel and/or nonferrous scrap for a price of fifty
24 dollars or more, and preserve such record for a period of three years[~~+~~
25 ~~which record shall show the date of purchase, name of seller, his~~].

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

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

45 [~~2-~~] 4. Such records shall be available for inspection by the police
46 department of the state or the municipality in which the establishment
47 is located.

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

51 § 69-i. Penalty. 1. Each violation of this article by a scrap process-
52 or shall be a violation subject to a fine of not more than two hundred
53 dollars, unless such violation shall be wilful, in which event it shall
54 be a misdemeanor except, however, the scrap processor shall not be
55 liable for any violation of this article by a seller, [~~his~~] their agent,
56 or a purported seller or agent.

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

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

7 § 69-h. Prohibition on sale of certain items. 1. Notwithstanding any
8 provision of law, rule or regulation to the contrary, it shall be unlaw-
9 ful to sell, offer for sale, or purchase as scrap, metal that: (i) is
10 marked with the name, logo, or initials of a critical infrastructure
11 provider, as such term is defined in subdivision one of section 145.15
12 of the penal law; (ii) has been altered for the purpose of removing,
13 concealing, or obliterating such name, logo, or initials through burning
14 or cutting of wire sheathing or other means; or (iii) is a wire or cable
15 of a type commonly used by critical infrastructure providers.

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

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