

STATE OF NEW YORK

1693

2025-2026 Regular Sessions

IN SENATE

January 13, 2025

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

AN ACT to amend the penal law, in relation to the crimes of commercial bribery and larceny; and to amend the criminal procedure law, in relation to jurisdiction for personal identifying information theft crimes

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

1 Section 1. Section 180.03 of the penal law, as amended by chapter 577
2 of the laws of 1983, is amended to read as follows:

3 § 180.03 Commercial bribing in the first degree.

4 A person is guilty of commercial bribing in the first degree when [~~he~~]
5 such person confers, or offers or agrees to confer, any benefit upon any
6 employee, agent or fiduciary without the consent of the latter's employ-
7 er or principal, with intent to influence [~~his~~] conduct in relation to
8 [~~his~~] the employer's or principal's affairs, and when the value of the
9 benefit conferred or offered or agreed to be conferred exceeds one thou-
10 sand dollars [~~and causes economic harm to the employer or principal in~~
11 ~~an amount exceeding two hundred fifty dollars~~].

12 Commercial bribing in the first degree is a class E felony.

13 § 2. Section 180.08 of the penal law, as amended by chapter 577 of the
14 laws of 1983, is amended to read as follows:

15 § 180.08 Commercial bribe receiving in the first degree.

16 An employee, agent or fiduciary is guilty of commercial bribe receiv-
17 ing in the first degree when, without the consent of [~~his~~] employer or
18 principal, [~~he~~] such person solicits, accepts or agrees to accept any
19 benefit from another person upon an agreement or understanding that such
20 benefit will influence [~~his~~] conduct in relation to [~~his~~] their employ-
21 er's or principal's affairs, and when the value of the benefit solicit-
22 ed, accepted or agreed to be accepted exceeds one thousand dollars [~~and~~

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

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~~causes economic harm to the employer or principal in an amount exceeding two hundred fifty dollars~~].

Commercial bribe receiving in the first degree is a class E felony.

§ 3. Subdivisions 1, 2, 3, 4, 5, 6, 7, 7-c, 8 and 9 of section 155.00 of the penal law, subdivision 1 as amended by chapter 353 of the laws of 2023, subdivision 6 as added by chapter 791 of the laws of 1967, subdivision 7 as added by chapter 115 of the laws of 1969, subdivision 7-c as amended by chapter 171 of the laws of 1993, subdivision 8 as amended by chapter 514 of the laws of 1986 and subdivision 9 as added by chapter 530 of the laws of 1975, are amended and a new subdivision 17 is added to read as follows:

1. "Property" means any money, compensation for labor or services, personal property, real property, computer data, computer program, personal identifying information, thing in action, evidence of debt or contract, or any article, substance or thing of value, including any gas, steam, water or electricity, which is provided for a charge or compensation.

2. "Obtain" includes, but is not limited to, the bringing about of a transfer or purported transfer of property or of a legal interest therein, whether to the obtainer or another. With regard to personal identifying information, computer data or a computer program, obtain includes duplicating, recording, copying, downloading, uploading or printing out the information, data, or program, or obtaining a physical object containing such information. With regard to service, obtain includes, but is not limited to, using or accessing a service.

3. "Deprive." To "deprive" another of property means (a) to withhold it or cause it to be withheld from ~~him~~ such person permanently or for so extended a period or under such circumstances that the major portion of its economic value or benefit is lost ~~to him~~, or (b) to dispose of the property in such manner or under such circumstances as to render it unlikely that an owner will recover such property. When the property is personal identifying information, computer data or a computer program, to deprive another of it means to obtain it or cause a third person to obtain it under such circumstances that a substantial portion of the economic benefit or value of having control over it or authority over its use is lost to an owner. To deprive another of service is to use or access a service or cause a third person to use or access a service under such circumstances that some of the economic benefit or value of having control or authority over providing the service is lost to an owner.

4. "Appropriate." To "appropriate" property of another to oneself or a third person means (a) to exercise control over it, or to aid a third person to exercise control over it, permanently or for so extended a period or under such circumstances as to acquire the major portion of its economic value or benefit, or (b) to dispose of the property for the benefit of oneself or a third person. When the property is personal identifying information, computer data or a computer program of another, to appropriate it to oneself or a third person means to obtain it under such circumstances as to acquire the ability to use it or dispose of it to the economic benefit of oneself or a third person or to the economic detriment or damage of an owner. To appropriate a service provided by another to oneself or a third person means to use or access the service under such circumstances as to acquire the ability to use it to the economic benefit of oneself or a third person or to the economic detriment or damage of an owner.

5. "Owner." When property or service is taken, obtained or withheld by one person from another person, an "owner" thereof means any person who has a right to possession ~~[thereof]~~ of the property or a right to provide the service superior to that of the taker, obtainer or withhold-er.

A person who has obtained possession of property or service by theft or other illegal means shall be deemed to have a right of possession of the property or a right to provide the service superior to that of a person who takes, obtains or withholds it from ~~[him]~~ such person by larcenous means.

A joint or common owner of property shall not be deemed to have a right of possession thereto superior to that of any other joint or common owner thereof.

In the absence of a specific agreement to the contrary, a person in lawful possession of property shall be deemed to have a right of possession superior to that of a person having only a security interest therein, even if legal title lies with the holder of the security interest pursuant to a conditional sale contract or other security agreement.

6. "Secret scientific material" means a sample, culture, micro-organism, specimen, record, recording, document, drawing or any other article, material, device or substance which constitutes, represents, evidences, reflects, or records a scientific or technical process, invention or formula or any part or phase thereof, and which is not, and is not intended to be, available to anyone other than the person or persons rightfully in possession thereof or selected persons having access thereto with ~~[his or]~~ their consent, and when it accords or may accord such rightful possessors an advantage over competitors or other persons who do not have knowledge or the benefit thereof.

~~7. ["Credit card" means any instrument or article defined as a credit card in section five hundred eleven of the general business law.~~

~~7-c. "Access device" means any telephone calling card number, credit card number, account number, mobile identification number, electronic serial number or personal identification number that can be used to obtain telephone service.]~~ "Personal identifying information" means a person's date of birth, driver's license number, social security number, personal identification number, financial services account number or code, savings account number or code, checking account number or code, brokerage account number or code, credit card account number or code, debit card number or code, automated teller machine number or code, taxpayer identification number, computer system password, signature or copy of a signature, electronic signature, unique biometric data that is a fingerprint, voice print, retinal image or iris image, telephone calling card number, mobile identification number or code, electronic serial number or personal identification number, or any other name, number, code or information that may be used alone or in conjunction with other such information to assume the identity of another person or access financial resources or credit of another person, or any physical object containing such information, such as a printout or other written material, driver's license or other identity card, credit card, debit card, public benefit card, automated teller or other transactional card, or computer, hard drive, or other data storage device. In this subdivision, "person" has all the meanings set forth in subdivision seven of section 10.00 of this chapter; "electronic signature" has the meaning provided in subdivision three of section three hundred two of the state technology law; "credit card" and "debit card" have the meanings provided in section five hundred eleven of the general business law; "public benefit

1 card" means any medical assistance card, food stamp assistance card,
2 public assistance card, or any other identification, authorization card
3 or electronic access device issued by the state or a social services
4 district as defined in subdivision seven of section two of the social
5 services law which entitles a person to obtain public assistance bene-
6 fits under a local, state or federal program administered by the state,
7 its political subdivisions or social services districts.

8 8. "Service" includes, but is not limited to, [~~labor, professional~~
9 ~~service,~~] a computer service, transportation service, telecommunications
10 service, cable or satellite television service, microwave transmission
11 service, the supplying of service pursuant to a public or governmental
12 benefit program, including housing and medical care, the supplying of
13 service pursuant to an insurance policy or program, the supplying of
14 hotel accommodations, restaurant services, entertainment, the supplying
15 of equipment for use, and the supplying of commodities of a public util-
16 ity nature such as gas, electricity, steam and water. A ticket or equiv-
17 alent instrument which evidences a right to receive a service is not in
18 itself service but constitutes property within the meaning of subdivi-
19 sion one of this section.

20 9. [~~"Cable television service" means any and all services provided by~~
21 ~~or through the facilities of any cable television system or closed~~
22 ~~circuit coaxial cable communications system, or any microwave or similar~~
23 ~~transmission service used in connection with any cable television system~~
24 ~~or other similar closed circuit coaxial cable communications system.]~~

25 "Computer program" means an ordered set of data representing coded
26 instructions or statements that, when executed by computer, cause the
27 computer to process data or direct the computer to perform one or more
28 computer operations or both and may be in any form, including magnetic
29 storage media, punched cards, or stored internally in the memory of the
30 computer.

31 17. "Computer data" means a representation of information, knowledge,
32 facts, concepts or instructions which are being processed, or have been
33 processed in a computer and may be in any form, including magnetic stor-
34 age media, punched cards, or stored internally in the memory of the
35 computer.

36 § 4. Paragraph (l) of subdivision 4 of section 20.40 of the criminal
37 procedure law, as amended by section 3 of subpart C of part C of chapter
38 97 of the laws of 2011, is amended to read as follows:

39 (l) An offense of identity theft or unlawful possession of personal
40 identifying information, and any other offense based on the allegations
41 underlying either of those offenses, and all criminal acts committed as
42 part of the same criminal transaction as defined in subdivision two of
43 section 40.10 of this chapter may be prosecuted (i) in any county in
44 which part of the offense took place regardless of whether the defendant
45 was actually present in such county, or (ii) in the county in which the
46 person who suffers financial loss resided at the time of the commission
47 of the offense, or (iii) in the county where the person whose personal
48 identifying information was used in the commission of the offense
49 resided at the time of the commission of the offense. The law enforce-
50 ment agency of any such county shall take a police report of the matter
51 and provide the complainant with a copy of such report at no charge.

52 § 5. This act shall take effect on the first of November next succeed-
53 ing the date on which it shall have become a law.