STATE OF NEW YORK

8302--C

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 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Codes in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

Section 1. This act shall be known and may be cited as the "prevention of damage to critical infrastructure act of 2026".

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

§ 145.15 Criminal tampering in the second degree.

1. For purposes of this section, a "critical infrastructure provider" shall mean a utility company as defined in subdivision twenty-three of section two of the public service law, an electric plant as defined in subdivision twelve of section two of the public service law, a cooperative as such term is defined in section two of the rural electric cooperative law, a cable television company as defined in subdivision one of section two hundred twelve of the public service law, an internet service provider as defined in paragraph (g) of subdivision one of section two hundred twenty-four-c of the public service law, a cellular telephone company, any other person or entity providing voice or data communications services to the public, regardless of its regulatory status under state or federal law, or a public utility authority subject to the provisions of article five of the public authorities law.

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

LBD13225-07-6

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

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

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

§ 145.20 Criminal tampering in the first degree.

1. For purposes of this section, a "critical infrastructure provider" shall mean a utility company as defined in subdivision twenty-three of section two of the public service law, an electric plant as defined in subdivision twelve of section two of the public service law, a cooperative as such term is defined in section two of the rural electric cooperative law, a cable television company as defined in subdivision one of section two hundred twelve of the public service law, an internet service provider as defined in paragraph (g) of subdivision one of section two hundred twenty-four-c of the public service law, a cellular telephone company, any other person or entity providing voice or data communications services to the public, regardless of its regulatory status under state or federal law, or a public utility authority subject to the provisions of article five of the public authorities law.

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

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

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

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

(a) cause to be subscribed by the person from whom purchased a statement [~~as to~~] setting forth: (i) the date of the purchase, (ii) when, where and from whom [~~he or she~~] such person obtained such property or other proof of authorization to sell such items, [~~also his or her~~] (iii) such person's identity as verified by a government issued identification card, (iv) such person's age, residence address by city, village or town, and the street and number thereof, if any, (v) the driver's license number or similar information from another form of a government issued photographic identification card, if any, of such person, and [~~otherwise such description as will reasonably locate the same, his or her~~] (vi) such person's occupation and name of [~~his or her~~] such

person's employer and place of employment or business[~~, which statement the junk dealer shall~~];

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

(c) make and retain a copy of the government issued photographic identification card used to verify the identity of the person from whom the junk metal was purchased and shall retain this copy in a separate book or register for two years from the date of purchase of the junk metal and include an additional copy of this identification with the information required to be transmitted to the chief of police or sheriff pursuant to this section.

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

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

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

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

3. For purposes of this section, a "critical infrastructure provider" shall mean a utility company as defined in subdivision twenty-three of section two of the public service law, an electric plant as defined in subdivision twelve of section two of the public service law, a cooperative as such term is defined in section two of the rural electric cooperative law, a cable television company as defined in subdivision one of section two hundred twelve of the public service law, an internet service provider as defined in paragraph (g) of subdivision one of section two hundred twenty-four-c of the public service law, a cellular telephone company, any other person or entity providing voice or data communications services to the public, regardless of its regulatory status under state or federal law, or a public utility authority subject to the provisions of article five of the public authorities law.

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

§ 64. Penalty. Each violation of this article, either by the junk dealer, the agent or servant thereof, and each false statement made in or on any statement or tag above mentioned shall be a misdemeanor [~~and~~]. Whenever a junk dealer commits a misdemeanor under this article, the person convicted shall, in addition to other penalties imposed, forfeit

[~~his~~] their license to do business. [~~But nothing herein contained shall apply to cities of the first class.~~]

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

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

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

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

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

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

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

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

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

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

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

§ 69-i. Penalty. 1. Each violation of this article by a scrap processor shall be a violation subject to a fine of not more than two hundred

dollars, unless such violation shall be wilful, in which event it shall be a misdemeanor except, however, the scrap processor shall not be liable for any violation of this article by a seller, [~~his~~] their agent, or a purported seller or agent.

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

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

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

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

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