



NEW YORK STATE SENATOR

Martin J. Golden

Da Vance and Senator Golden Announce Senate Passage of Legislation to Protect Identity Theft Victims

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Manhattan District Attorney Cyrus R. Vance, Jr., and New York State Senator Martin J. Golden today announced the Senate passage of legislation that will better protect identity theft victims and enable prosecutors to bring stronger cases against cybercriminals and scammers. The bill, S.4072/A.8149, amends New York State criminal statutes and establishes a fundamental framework for the prosecution of online privacy violations by creating a graduated series of penalties based on the severity of a crime and the number of affected victims.

“Aided by modern technology—and in a matter of seconds—determined cybercriminals can cause millions of dollars in damages and compromise the personal information of thousands of victims at once,” said District Attorney Vance. “Under the current law, New York State’s criminal statutes do not appropriately

account for the myriad ways in which cybercriminals and identity thieves are able to commit multi-victim crimes across state, national, and international borders. This bill reflects the prevalence and seriousness of these crimes, as well as our commitment to protect victims and their personal information by aggressively going after cybercriminals. I thank the Senate for passing this important legislation, and I urge the Assembly to do the same.”

New York State Senator Golden said: “Cybercrime and identity theft are the fastest growing crimes in New York and around the country, with almost daily reports of breaches of customer information from large and small institutions. New York’s criminal laws were written decades ago, before the rise of the Internet, and don’t reflect the severity of the crime or the harm to victims.”

The bill creates a hierarchy of crime categories differentiated by the amount of damage caused and the number of associated victims, with harsher penalties for those convicted of higher level crimes. For example, crimes and penalties related to identity theft may range from a Class A misdemeanor to a Class B felony, with thresholds triggered by the dollar amount wrongfully obtained or the number of identities a defendant fraudulently assumed.

In Manhattan, identity thieves and business insiders have used handheld skimmers and other devices to steal victims’ information at gas stations, parking garages, restaurants, department stores, and popular chains. The stolen information is often used in even more complex criminal operations involving international money laundering and fraud, and in many cases, individuals worldwide may be affected by cybercrime and theft.

In addition to increasing the penalties faced by identity thieves, the bill expands the legal definition of property with regard to larceny to include personal identifying information, enhances the penalties faced by those in possession of illegal skimming devices, which are commonly used to steal unsuspecting victims’ personal information, and updates the criminal statutes governing computer tampering, criminal possession of stolen property, and schemes to defraud.

The bill is the result of several months of collaboration between the offices of Senator Golden, District Attorney Vance, and members of the Internet services industry to refine a series of proposals from prosecutors, judges, private parties, and academics to effectively address the issue of cybercrime and identity theft.

The Cybercrime and Identity Theft Bureau was created by District Attorney Vance in 2010 to protect New Yorkers from increasingly pervasive schemes involving theft and fraud, and anyone who believes that he or she may have been the victim of identity theft or fraud is encouraged to call the Office’s Cybercrime and Identity Theft Hotline at 212-335-9600.