



NEW YORK STATE SENATOR

Jose Peralta

DA Vance and Senator Peralta urge Assembly passage of legislation to combat Identity Theft

JOSE PERALTA June 7, 2016

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Manhattan District Attorney Cyrus R. Vance, Jr., and New York State Senator Jose Peralta today urged the New York State Assembly to pass legislation to combat identity theft by expanding New York State's "enterprise corruption statute" to include cybercrime and identity theft-related offenses. The bill, [S.1301-A/A. 938-A](#), was previously passed by the New York State Senate on May 20, 2015, and again on February 25, 2016.

"Since its creation in 2010, my Office's Cybercrime and Identity Theft Bureau has prosecuted more and more cybercrime and identity theft rings operating in a manner similar to traditional organized crime groups," said District Attorney Vance. "However, New York State has done little to adapt existing laws to a changing criminal landscape, which means that we are effectively fighting 21st-century crimes with tools from the 1970s. I thank Senator Peralta for his leadership and collaboration on this legislation, which will enhance prosecutors' ability to build strong cases against cybercriminal operations, and I strongly encourage the Assembly to pass it."

New York State Senator Peralta said: "As gangs and organized crime syndicates are becoming more and more involved in perpetrating computer crimes, money laundering and identity thefts, this legislation will provide a much needed and commonsense tool for law

enforcement. As is often the case, the law has not kept up with technology and currently, the New York's enterprise corruption statute excludes a broad range of these crimes from its coverage. Computers are a part of our daily lives, and sadly, criminals use them to steal both our money, and our identities. My bill has passed the Senate several times, including during this year's Legislative Session that is now coming to a close. The clock is ticking, and it is my hope that the New York State Assembly will step up to the plate and take up this important legislation, where it is sponsored by Assemblymember Michael Miller. As always, I want to thank Manhattan District Attorney Cyrus Vance for his unwavering efforts in curbing organized crime, especially as it relates to the growth of cybercrimes and identity theft."

New York Assemblymember Michael Miller said: "Law enforcement must keep up with the changing landscape of criminal enterprises. In this day in age traditional criminal organizations have become more complex and have turned to cyber-crimes to cover their traces while obtaining new avenues to make money. I have pushed for legislation that would assist law enforcement with tackling such crimes within the state of New York. I am currently fighting for passage of a bill in the Assembly that if passed would assist law enforcement with updated language in penal law on criminal enterprises and their actions of such cyber-crimes. I commend Senator Jose Peralta for his efforts on passing this bill through the State Senate. District Attorney Cy Vance had been a strong advocate for this legislation and continues to diligently work to combat crimes where identify theft and fraud are perpetrated electronically."

Currently, the Organized Crime Control Act ("OCCA") provides increased penalties for patterns of repeated criminal activity—as defined by three or more criminal acts committed within a five-year period—carried out in connection with a structured criminal enterprise. Criminal acts covered by the OCCA include many financial and economic offenses but do not, importantly, cover identity theft and related crimes. Cybercrime, however, is one of New

York's most pervasive and fastest growing crime types, and the harm caused to victims is significant, whether the victims are individuals or entire organizations.

The bill expands the OCCA's definition of a criminal act to include identity theft and related offenses including unlawful possession of personal identification information, computer tampering, unlawful duplication of computer-related materials, criminal use of an access device, and unlawful possession of a skimmer device, among others.

The legislation follows the recommendation of the White Collar Crime Task Force, which District Attorney Vance **convened** during his tenure as president of the District Attorneys Association of the State of New York. The Task Force—comprising prosecutors, attorneys, academics, and other legal experts—issued a **100-page report** recommending, among other proposals, that identity theft and related offenses be added as predicate felonies under the OCCA.