

News from Democratic NYS Senator Eric Adams

Representing the 20th Senatorial District
Brooklyn, New York

Internet Crime Legislation Bill S5402

Purpose:

Amends NYS penal law to establish penalties for the criminal use of electronic communications; criminalizes internet activity designed to further criminal behaviors.

Overview: Technology should be treated as an aggravating factor in the prosecution of a variety of crimes where internet activity has been used to further criminal behavior. Our laws must reflect the changes in technology and the methods criminals use to hunt their victims.

Criminal use of electronic communication in the 3rd degree, class A misdemeanor (guilty) if an individual:

- Commits or helps commit a crime
- Conceals a crime
- Conceals or protects a person who has committed a crime

Criminal use of electronic communication in the 2nd degree, class E felony if individual commits the crime in 3rd degree and:

- Does so with intent to commit or attempt to commit a felony
- Does so with intent to conceal the commission of felony
- Does so to conceal the identity of someone who has committed a felony
- Has previously been convicted of any crime under this article

Criminal use of Electronic communication in the 1st degree, Class D felony if individual:

- Commits a crime with the intent to lure, entice, persuade, convince, harass, annoy, threaten, or alarm another person by using electronic communication
- Causes a communication to be initiated to commit or attempt to commit a violent felony

Electronic communication is defined as: *Any transfer of signs, signals, writing, images, sounds, data, or intelligence transmitted by: Internet or personal digital assistance, such as a blackberry/cellphone.*

Sentencing if found guilty:

Misdemeanor charge - Up to 1 year

E Felony - 1 to 3 years

D Felony - 1 to 7 years

STATS:

- According to the National Center for Victims of Crime, one in 12 women is stalked during her lifetime. Of those, 13 percent are women in college. These numbers are daunting and we must attempt to ensure that the increased availability of the internet and social networking sites doesn't lead to increased victimization.

RECENT HIGH PROFILE CASES:

- **ALABAMA:** A man in Auburn was sentenced to 18 years in federal prison. He pleaded guilty to 34 criminal counts involving interstate extortion, interstate transportation in aid of extortion, attempted production of child pornography, and attempted enticement. (source: Auburn Villager, 4/24/09)
- **WISCONSIN:** Columbus police said they arrested a Janesville woman on suspicion of Internet fraud Tuesday morning. Columbus police executed a search warrant in the city of Janesville and arrested Norita K. Appleby, 20, on a charge of misappropriation of an entity's identifying information, a felony. There was an ad posted on Craigslist in late February asking for donations for a nonprofit organization located in Columbus. Investigators said the person who posted the ad was not affiliated with the non-profit in any way. (source: wisctv.com, 4/14/09)
- **MASSACHUSETTS:** Man accused of killing a woman he met through Craigslist.

LEGAL AVENUES MUST REMAIN AVAILABLE TO LAW ENFORCEMENT ALONG THE INFORMATION SUPERHIGHWAY.