

S7588 SCHNEIDERMAN No Same as
ON FILE: 04/26/10 Criminal Procedure Law
TITLE....Expands geographical jurisdiction for crimes attendant to identity theft or unlawful possession of personal information

04/23/10 REFERRED TO CODES

Amd SS20.10 & 20.40, CP L
Expands geographical jurisdiction for crimes attendant to identity theft or the unlawful possession of personal information.

STATE OF NEW YORK

7588

IN SENATE

April 23, 2010

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

AN ACT to amend the criminal procedure law, in relation to expanding the geographical jurisdiction for crimes attendant to identify theft or unlawful possession of personal identification information

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

- 1 Section 1. Section 20.10 of the criminal procedure law is amended by
2 adding a new subdivision 5 to read as follows:
3 **5. "Criminal transaction." When conduct which establishes at least one**
4 **offense, and which is comprised of two or more or a group of acts either**
5 **(a) so closely related and connected in point of time and circumstance**
6 **of commission as to constitute a single criminal incident, or (b) so**
7 **closely related in criminal purpose or objective as to constitute**
8 **elements or integral parts of a single criminal venture.**
9 § 2. Paragraph (l) of subdivision 4 of section 20.40 of the criminal
10 procedure law, as amended by chapter 346 of the laws of 2007, is amended
11 to read as follows:
12 (l) **[An] Notwithstanding any provision of this subdivision to the**
13 **contrary, an** offense of identity theft or unlawful possession of
14 personal identification information **[may], together with an additional**
15 **offense or offenses arising from the same criminal transaction, shall** be
16 prosecuted (i) in any county in which part of **[the] such identity theft**
17 **on unlawful possession of personal identification information** offense
18 took place regardless of whether the defendant was actually present in
19 such county, or (ii) in the county in which the person who suffers
20 financial loss resided at the time of the commission of **[the] such iden-**
21 **tity theft on unlawful possession of personal identification information**
22 offense, or (iii) in the county where the person whose personal iden-
23 tification information was used in the commission of **[the] such identify**
24 **theft on unlawful possession of personal identification information**
25 offense resided at the time of the commission of the offense. The law

26 enforcement agency of any such county shall take a police report of the

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

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S. 7588

2

- 1 matter and provide the complainant with a copy of such report at no
- 2 charge.
- 3 § 3. This act shall take effect on the one hundred eightieth day after
- 4 it shall have become a law.

**NEW YORK STATE SENATE
INTRODUCER'S MEMORANDUM IN SUPPORT
submitted in accordance with Senate Rule VI. Sec 1**

BILL NUMBER: S7588

SPONSOR: SCHNEIDERMAN

TITLE OF BILL:

An act to amend the criminal procedure law, in relation to expanding the geographical jurisdiction for crimes attendant to identify theft or unlawful possession of personal identification information

PURPOSE:

Amends the criminal procedure law to allow prosecutors and criminal courts to try crimes committed in the same transaction as identity theft or the unlawful possession of personal identification information in the same venue.

SUMMARY OF PROVISIONS:

Section 1. Creates a new subdivision 5 of section 20.10 of the criminal procedure law, which provides for the definition of criminal transaction.

Section 2. Amends paragraph (1) of subdivision 4 of section 20.40 of the criminal procedure law, which expands the geographical jurisdiction of counties to hear crimes committed in the same transaction as identity theft or the unlawful possession of personal identification information in the same venue.

Section 3. Provides for the effective date.

JUSTIFICATION:

Under paragraph (1) of subdivision 4 of section 20.40 of the criminal procedure law, county courts have been granted the power to try a case where the defendant has been alleged to commit the crime of either identity theft or the unlawful possession of personal identification infor-

mation. This paragraph was created in 2002 to assist in the prosecution of the relatively new crime of identity theft. Paragraph (1) gave the prosecution multiple venues to prosecute since the crime of identity theft or the unlawful possession of personal identification information could have been perpetrated in one county, while the impact of such conduct impacted the residents of two other separate counties.

The amendment to paragraph (1) of subdivision 4 of section 20.40 of the criminal procedure law proposed in this legislation corrects another problem associated with these crimes. Many times other crimes alleged to have occurred within the same criminal transaction may not be prosecuted before the same criminal court. Thus, crimes such as larceny and criminal possession of stolen property are either not prosecuted or prosecuted in another county court, creating an undue burden on the courts.

This legislation will create a more efficient court system and avoid the possibility of inconsistent verdicts.

LEGISLATIVE HISTORY:

This is new legislation.

FISCAL IMPLICATIONS:

This legislation would create a savings to the state.

EFFECTIVE DATE:

This act shall take effect on the one-hundred eightieth day after it shall have become law.
