



NEW YORK STATE SENATOR

William Larkin

Larkin Announces Passage Of Legislation To Protect Consumers From Identity Theft

[WILLIAM J. LARKIN JR.](#) May 17, 2006

Senator Bill Larkin (R-C, Cornwall-on-Hudson) today announced the New York State Senate has passed a package of legislation to protect people from identity theft. The plan would give consumers a proactive way to prevent identity theft, protect against cyber piracy, and increase penalties for those who commit identity theft. The package would also allow consumers to place a security freeze on their credit, preventing identity thieves from causing greater damage to a victims' credit.

"Despite the many efforts that are being made, identity theft is a crime that is still on the rise," said Senator Larkin. "We must create even stronger laws to protect honest people. No law abiding citizen should have to suffer the financial devastation this crime can cause. The plan we put forth this week will help protect consumers and strictly punish those who commit these crimes."

The Senate passed S.6805-B that would allow consumers to place a security freeze on their credit, blocking all access to consumer credit reports and preventing identity thieves from taking out new loans and credit in the name of a victim. Consumers who place a security freeze would be provided a unique PIN or password that must be given to a credit reporting agency each time the consumer wants to allow access to their credit information, effectively

cutting off a thief's ability to get credit, loans, and leases in the consumer's name.

The Senate also passed the following bills:

> thwart telemarketers from deceptively gaining people's phone numbers by establishing prohibitions on the sale of telephone record information and authorizing the attorney general to bring action against devious commercial interests that violate the prohibitions (S.6723);

> establish the "anti-phishing act of 2006," that would provide the attorney general, private industry, and non-profit organizations the ability to pursue civil action against those who defraud New York residents by using email scams to steal private information (S.5370-C); and

Increasing Penalties

The Senate passed legislation (S.2899) that would expand and clarify the crimes of identity theft, as well as strengthen penalties. The bill would:

> increase the penalty for identity theft in the first degree from a Class D to a C felony;

> expand the period between prior convictions of identity theft from 5 to 10 years;

> expand the list of unlawfully possessed personal identification information for identity theft in the second degree; and

> decrease the number of such items possessed from 250 pieces to a more reasonable 10 pieces.

The Senate also passed legislation (S.6873) that would increase the penalty for the crimes of identity theft and unlawful possession of personal identification information when the victim is a member of the armed forces, and the perpetrator knows that the victim is a

member of the armed forces.

Identity Scanning Devices

The Senate passed legislation (S.6333-A) to establish the crime of unlawful possession of an identity scanning device. Identity scanning devices can be used to get a wide range of information about a person that can be financially devastating. This legislation will ensure that only persons with legitimate reasons are in possession of identity scanning devices, helping to reduce the occurrences of identity theft in New York.

Cyber Piracy

The Senate passed legislation (S.2306) that would establish protection against cyber piracy and the unlawful registration of domain names.

The bills were sent to the Assembly.