



Historical Records Theft: Strategies for Prevention and Response

Federal and New York State Laws

Depending on the prosecuting entity, you may be able to provide suggestions or recommendations for the charges against the suspect. Regardless of the opportunities for input, however, it is beneficial to be aware of various offenses and how they may relate to archival theft.

Federal

In some circumstances, [Federal laws](#) may apply. If you believe prosecution under federal statutes is appropriate, you should still contact your local police or the New York State Police. If a federal crime has been committed, it may be appropriate to contact the Federal Bureau of Investigation directly. These offenses may include:

- **Public money, property or records.**
 - United States Code, Title 18, Part I, Chapter 31, Section 641
- **Theft of major artwork.**
 - United States Code, Title 18, Part 1, Chapter 31, Section 668
- **Interstate or foreign shipments by carrier.**
 - United States Code, Title 18, Part 1, Chapter 31, Section 659
- **Transportation of stolen goods.**
 - United States Code, Title 18, Part 1, Chapter 113, Section 2314

In instances of rampant theft, such as individuals stealing from multiple repositories across jurisdictions, there may be additional charges related to the transport, sale and possession of stolen records.

New York State

There are many offenses that may relate to theft or mutilation of historical records under [New York State laws](#). If considering prosecution or investigation under NYS law, contact your local police department or the New York State Police. These offenses may include:

- **Unlawful prevention of public access to records.**
 - NYS Penal Law Section 240.65
- **Tampering with public records.**
 - NYS Penal Law Section 175.20
 - NYS Penal Law Section 175.25
- **Larceny.**
 - NYS Penal Law Section 155.05
- **Grand Larceny.**
 - NYS Penal Law Section 155.30
 - NYS Penal Law Section 155.35
 - NYS Penal Law Section 155.40
 - NYS Penal Law Section 155.42

- **Injuries to Property [of Cultural Institutions].**
 - NYS Education Law Section 264
- **Detention of Property [of Cultural Institutions].**
 - NYS Education Law Section 265
- **Seizure of Chattel**
 - NYS Civil Practice Law and Rules Article 71
- **Destruction, Sale, or Other Disposition of Local Government Records.**
 - NYS Arts and Cultural Affairs Law Section 57.25.2