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I N   S E N A T E

February 2, 2010

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Introduced by Sens. ADDABBO, PARKER -- read twice and ordered printed, and when printed to be committed to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the penal law, in relation to including the use of a governmental agency to harass a person within the crime of aggravated harassment in the second degree

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1     Section 1. Subdivisions 3, 4 and 5 of section 240.30 of the penal law,  
2     subdivisions 3 and 4 as amended and subdivision 5 as added by chapter  
3     510 of the laws of 2008, are amended to read as follows:
- 4     3. Strikes, shoves, kicks, or otherwise subjects another person to  
5     physical contact, or attempts or threatens to do the same because of a  
6     belief or perception regarding such person's race, color, national  
7     origin, ancestry, gender, religion, religious practice, age, disability  
8     or sexual orientation, regardless of whether the belief or perception is  
9     correct; [or]
- 10    4. Commits the crime of harassment in the first degree and has previ-  
11    ously been convicted of the crime of harassment in the first degree as  
12    defined by section 240.25 of this article within the preceding ten  
13    years[.]; OR
- 14    5. EITHER (A) UNLAWFULLY DISCLOSES CONFIDENTIAL INFORMATION CONCERN-  
15    ING THE PERSON HE OR SHE INTENDS TO HARASS, ANNOY, THREATEN, OR ALARM  
16    WHICH HE OR SHE OBTAINED FROM A GOVERNMENT AGENCY OR ANY POLITICAL  
17    SUBDIVISION OF THE STATE OR MUNICIPALITY, IN A MANNER LIKELY TO CAUSE  
18    ANNOYANCE OR ALARM; OR (B) UNLAWFULLY CAUSES PERSONNEL EMPLOYED BY A  
19    GOVERNMENTAL AGENCY OR ANY POLITICAL SUBDIVISION OF THE STATE OR MUNICI-  
20    PALITY TO CONTACT OR INTERACT WITH THE PERSON HE OR SHE INTENDS TO  
21    HARASS, ANNOY, THREATEN, OR ALARM IN AN OFFICIAL CAPACITY, IN A MANNER  
22    LIKELY TO CAUSE ANNOYANCE OR ALARM.

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

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1       6. For the purposes of subdivision one of this section, "form of writ-  
2    ten communication" shall include, but not be limited to, a recording as  
3    defined in subdivision six of section 275.00 of this part.  
4       S 2. This act shall take effect on the first of November next succeed-  
5    ing the date on which it shall have become a law.