

2011-2012 Regular Sessions

I N S E N A T E

(PREFILED)

January 5, 2011

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

AN ACT to amend the penal law, in relation to prohibiting stalking by
technological means

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

- 1 Section 1. Section 120.40 of the penal law is amended by adding a new
2 subdivision 6 to read as follows:
3 6. "TECHNOLOGICAL MEANS" MEANS AND SHALL INCLUDE, BUT SHALL NOT BE
4 LIMITED TO, ILLEGAL WIRETAPPING, CELL PHONES, CALLER IDENTIFICATION, THE
5 INTERNET, CAMERAS, GLOBAL POSITIONING SYSTEM AND ANY OTHER TYPE OF
6 TRACKING DEVICE.
7 S 2. Subdivision 4 of section 120.50 of the penal law, as added by
8 chapter 635 of the laws of 1999, is amended and a new subdivision 5 is
9 added to read as follows:
10 4. Commits the crime of stalking in the fourth degree and has previ-
11 ously been convicted within the preceding ten years of stalking in the
12 fourth degree[.]; OR
13 5. COMMITS THE CRIME OF STALKING IN THE FOURTH DEGREE IN VIOLATION OF
14 SECTION 120.45 OF THIS ARTICLE, AND UTILIZES ANY TECHNOLOGICAL MEANS,
15 WHETHER ELECTRONIC OR OTHER, IN FURTHERANCE OF SUCH CRIME.
16 S 3. Subdivision 5 of section 120.55 of the penal law, as added by
17 chapter 598 of the laws of 2003, is amended and a new subdivision 6 is
18 added to read as follows:
19 5. Commits the crime of stalking in the third degree, as defined in
20 subdivision three of section 120.50 of this article, against ten or more
21 persons, in ten or more separate transactions, for which the actor has
22 not been previously convicted[.]; OR
23 6. COMMITS THE CRIME OF STALKING IN THE THIRD DEGREE AS DEFINED IN
24 SUBDIVISIONS ONE, TWO, THREE AND FOUR OF SECTION 120.50 OF THIS ARTICLE

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

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1 AND UTILIZES ANY TECHNOLOGICAL MEANS, WHETHER ELECTRONIC OR OTHER, IN
2 FURTHERANCE OF SUCH CRIME.

3 S 4. Subdivision 2 of section 120.60 of the penal law, as amended by
4 chapter 434 of the laws of 2000, is amended and a new subdivision 3 is
5 added to read as follows:

6 2. commits a class A misdemeanor defined in article one hundred thirty
7 of this chapter, or a class E felony defined in section 130.25, 130.40
8 or 130.85 of this chapter, or a class D felony defined in section 130.30
9 or 130.45 of this chapter[.]; OR

10 3. COMMITS THE CRIME OF STALKING IN THE SECOND DEGREE, AS DEFINED IN
11 SUBDIVISIONS ONE, TWO, THREE, AND FOUR OF SECTION 120.55 OF THIS ARTICLE
12 AND UTILIZES ANY TECHNOLOGICAL MEANS, WHETHER ELECTRONIC OR OTHER, IN
13 FURTHERANCE OF SUCH CRIME.

14 S 5. This act shall take effect on the first of November next succeed-
15 ing the date on which it shall have become a law.