

471

2011-2012 Regular Sessions

I N   S E N A T E

(PREFILED)

January 5, 2011

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Introduced by Sen. NOZZOLIO -- 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 adding by means of computer network to 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. Section 240.00 of the penal law is amended by adding a new  
2     subdivision 7 to read as follows:

3     7. "COMPUTER NETWORK" MEANS (A) A SET OF RELATED DEVICES CONNECTED TO  
4     A COMPUTER COMMUNICATIONS FACILITY, OR (B) A COMPLEX OF TWO OR MORE  
5     COMPUTERS, INCLUDING RELATED DEVICES, CONNECTED BY COMMUNICATED FACILI-  
6     TIES.

7     S 2. Section 240.30 of the penal law, as amended by chapter 510 of the  
8     laws of 2008, is amended to read as follows:

9     S 240.30 Aggravated harassment in the second degree.

10    A person is guilty of aggravated harassment in the second degree when,  
11    with intent to harass, annoy, threaten or alarm another person, he or  
12    she:

13    1. Either (a) communicates with a person, anonymously or otherwise, by  
14    telephone, by telegraph, or by mail, or by transmitting or delivering  
15    any other form of written communication, in a manner likely to cause  
16    annoyance or alarm; or

17    (b) causes a communication to be initiated by mechanical or electronic  
18    means OR COMPUTER NETWORK or otherwise with a person, anonymously or  
19    otherwise, by telephone, by telegraph, or by mail, or by transmitting or  
20    delivering any other form of written communication, in a manner likely  
21    to cause annoyance or alarm; or

22    2. Makes a telephone call, whether or not a conversation ensues, with  
23    no purpose of legitimate communication; or

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

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1     3. Strikes, shoves, kicks, or otherwise subjects another person to  
2 physical contact, or attempts or threatens to do the same because of a  
3 belief or perception regarding such person's race, color, national  
4 origin, ancestry, gender, religion, religious practice, age, disability  
5 or sexual orientation, regardless of whether the belief or perception is  
6 correct; or

7     4. Commits the crime of harassment in the first degree and has previ-  
8 ously been convicted of the crime of harassment in the first degree as  
9 defined by section 240.25 of this article within the preceding ten  
10 years.

11     5. For the purposes of subdivision one of this section, "form of writ-  
12 ten communication" shall include, but not be limited to, a recording as  
13 defined in subdivision six of section 275.00 of this part.

14     Aggravated harassment in the second degree is a class A misdemeanor.

15     S 3. This act shall take effect on the first of November next succeed-  
16 ing the date on which it shall have become a law.