S T A T E O F N E W Y O R K

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I N A S S E M B L Y

April 2, 2010

Introduced by M. of A. TEDISCO, McDONOUGH -- Multi-Sponsored by -- M. of A. CONTE, HAWLEY, KOLB -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to creating the crime of aggravated harassment of a family member of a person in active military service

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

Section 1. The penal law is amended by adding a new section 240.33 to read as follows:

S 240.33 AGGRAVATED HARASSMENT OF A FAMILY MEMBER OF A PERSON IN ACTIVE MILITARY SERVICE.

1. A PERSON IS GUILTY OF AGGRAVATED HARASSMENT OF A FAMILY MEMBER OF A PERSON IN ACTIVE MILITARY SERVICE WHEN, WITH INTENT TO HARASS, ANNOY, THREATEN OR ALARM ANOTHER PERSON, HE OR SHE EITHER:

(A) COMMUNICATES WITH A PERSON, WHO AT THE TIME OF THE COMMUNICATION HAS A FAMILY MEMBER IN ACTIVE MILITARY SERVICE OF THE UNITED STATES, AS SUCH TERM IS DEFINED IN SECTION ONE OF THE MILITARY LAW, ANONYMOUSLY OR OTHERWISE, BY TELEPHONE, OR BY TELEGRAPH, MAIL OR ANY OTHER FORM OF WRITTEN COMMUNICATION, IN A MANNER LIKELY TO CAUSE ANNOYANCE OR ALARM AND SUCH COMMUNICATION RELATES TO THE MILITARY SERVICE OF SUCH PERSON'S FAMILY MEMBER; OR

(B) CAUSES A COMMUNICATION TO BE INITIATED BY MECHANICAL OR ELECTRONIC MEANS OR OTHERWISE WITH A PERSON, WHO AT THE TIME OF THE COMMUNICATION HAS A FAMILY MEMBER IN ACTIVE MILITARY SERVICE OF THE UNITED STATES, AS SUCH TERM IS DEFINED IN SECTION ONE OF THE MILITARY LAW, ANONYMOUSLY OR OTHERWISE, BY TELEPHONE, OR BY TELEGRAPH, MAIL OR ANY OTHER FORM OF WRITTEN COMMUNICATION, IN A MANNER LIKELY TO CAUSE ANNOYANCE OR ALARM AND SUCH COMMUNICATION RELATES TO THE MILITARY SERVICE OF SUCH PERSON'S FAMILY MEMBER.

2. FOR THE PURPOSES OF THIS SECTION, "FAMILY MEMBER" MEANS THE HUSBAND, WIFE, SON, DAUGHTER, FATHER OR MOTHER OF A PERSON.

AGGRAVATED HARASSMENT OF A FAMILY MEMBER OF A PERSON IN ACTIVE MILITARY SERVICE IS A CLASS E FELONY.

S 2. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.

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

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