

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

10708--B

I N A S S E M B L Y

April 16, 2010

Introduced by M. of A. M. MILLER, WEISENBERG, COLTON, STIRPE, CASTRO, SCARBOROUGH, BURLING -- Multi-Sponsored by -- M. of A. BACALLES, BARCLAY, CHRISTENSEN, CROUCH, HOOPER, KOON, MCENENY, PHEFFER, TOWNSEND -- read once and referred 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.

LBD15391-05-0

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.