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

1400

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. WRIGHT -- Multi-Sponsored by -- M. of A. ALFANO -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to aggravated harassment in the third degree

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

Section 1. Section 240.00 of the penal law is amended by adding two new subdivisions 7 and 8 to read as follows:

7. "REPRODUCTIVE HEALTH CARE SERVICES" MEANS HEALTH CARE SERVICES PROVIDED IN A HOSPITAL, CLINIC, PHYSICIAN'S OFFICE OR OTHER FACILITY AND INCLUDES MEDICAL, SURGICAL, COUNSELING OR REFERRAL SERVICES RELATING TO THE HUMAN REPRODUCTIVE SYSTEM, INCLUDING SERVICES RELATING TO PREGNANCY OR THE TERMINATION OF A PREGNANCY.

8. "FACILITY" MEANS A HOSPITAL, CLINIC, PHYSICIAN'S OFFICE OR OTHER FACILITY THAT PROVIDES REPRODUCTIVE HEALTH CARE SERVICES, AND INCLUDES THE BUILDING OR STRUCTURE IN WHICH THE FACILITY IS LOCATED.

S 2. The penal law is amended by adding a new section 240.29 to read as follows:

S 240.29 AGGRAVATED HARASSMENT IN THE THIRD DEGREE.

A PERSON IS GUILTY OF AGGRAVATED HARASSMENT IN THE THIRD DEGREE WHEN HE OR SHE PHOTOGRAPHS, WHETHER BY STILL OR MOVING PICTURES, ANY PERSON ENTERING OR LEAVING A FACILITY THAT PROVIDES REPRODUCTIVE HEALTH CARE SERVICES.

THIS SECTION DOES NOT APPLY TO ANY EXPRESSIVE CONDUCT (INCLUDING PEACEFUL PICKETING OR OTHER PEACEFUL DEMONSTRATION) PROTECTED FROM LEGAL PROHIBITION BY THE FIRST AMENDMENT TO THE UNITED STATES CONSTITUTION OR SECTION EIGHT OF ARTICLE ONE OF THE STATE CONSTITUTION OR TO ACTIVITIES REGULATED BY THE NATIONAL LABOR RELATIONS ACT, AS AMENDED, THE RAILWAY LABOR ACT, AS AMENDED, OR THE FEDERAL EMPLOYMENT LABOR MANAGEMENT ACT, AS AMENDED.

AGGRAVATED HARASSMENT IN THE THIRD DEGREE IS A CLASS B MISDEMEANOR.

S 3. This act shall take effect on the one hundred eightieth day after 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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