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

January 22, 2009

Introduced by M. of A. KOLB, ALFANO, FINCH, McKEVITT, MOLINARO, WALKER, ERRIGO -- Multi-Sponsored by -- M. of A. BARCLAY, CALHOUN, CROUCH, GABRYSZAK, HAWLEY, OAKS, WEISENBERG -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to obstructing telephonic or electronic communication for immediate assistance

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 270.18 to read as follows:

S 270.18 OBSTRUCTING A TELEPHONIC OR ELECTRONIC COMMUNICATION FOR IMMEDIATE ASSISTANCE.

1. A PERSON IS GUILTY OF OBSTRUCTING A TELEPHONIC OR ELECTRONIC COMMUNICATION FOR IMMEDIATE ASSISTANCE WHEN, WITH INTENT TO DELAY OR PREVENT A PERSON FROM SEEKING IMMEDIATE ASSISTANCE FROM A 911 OR OTHER EMERGENCY SERVICE, OR WITH INTENT TO DELAY OR PREVENT A PERSON WHO REASONABLY FEARS IMMINENT PHYSICAL INJURY OR PROPERTY DAMAGE FROM SEEKING IMMEDIATE ASSISTANCE, HE OR SHE:

(A) KNOWINGLY IMPEDES, OBSTRUCTS OR PREVENTS SUCH PERSON FROM INITIATING A TELEPHONIC OR ELECTRONIC COMMUNICATION FOR IMMEDIATE ASSISTANCE; OR

(B) KNOWINGLY DISRUPTS OR TERMINATES A TELEPHONIC OR ELECTRONIC COMMUNICATION FOR IMMEDIATE ASSISTANCE INITIATED BY SUCH PERSON; OR

(C) KNOWINGLY REMOVES, DAMAGES, OR DISABLES EQUIPMENT OTHERWISE CAPABLE OF INITIATING A TELEPHONIC OR ELECTRONIC COMMUNICATION.

2. FOR PURPOSES OF THIS SECTION:

(A) THE TERM "TELEPHONIC COMMUNICATION" MEANS TELEPHONIC COMMUNICATION AS DEFINED IN SUBDIVISION THREE OF SECTION 250.00 OF THIS CHAPTER.

(B) THE TERM "ELECTRONIC COMMUNICATION" MEANS ANY TRANSFER OF SIGNS, SIGNALS, WRITING, IMAGES, SOUNDS, DATA, OR INTELLIGENCE OF ANY NATURE

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

LBD03851-01-9

TRANSMITTED IN WHOLE OR PART BY A WIRE, RADIO, ELECTROMAGNETIC, PHOTOELECTRONIC OR PHOTO-OPTICAL SYSTEM.

OBSTRUCTING A TELEPHONIC OR ELECTRONIC COMMUNICATION FOR IMMEDIATE ASSISTANCE IS A CLASS A MISDEMEANOR.

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