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

6863

2009-2010 Regular Sessions

I N A S S E M B L Y

March 13, 2009

Introduced by M. of A. SCOZZAFAVA, McDONOUGH -- Multi-Sponsored by -- M. of A. ALFANO, BACALLES, BARCLAY, BURLING, CALHOUN, CONTE, ERRIGO, FINCH, FITZPATRICK, GIGLIO, HAYES, KOLB, MILLER, OAKS, O'MARA, QUINN, RABBITT, RAIA, SALADINO, SAYWARD, TEDISCO, THIELE, WALKER -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to the crime of eavesdropping

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

Section 1. Section 250.05 of the penal law, as amended by chapter 744 of the laws of 1988, is amended to read as follows:

S 250.05 Eavesdropping.

A person is guilty of eavesdropping when he OR SHE unlawfully engages in wiretapping, mechanical overhearing of a conversation, or intercepting or accessing of an electronic communication, EXCEPT WHEN A PARENT OR LEGAL GUARDIAN IS INTERCEPTING A COMMUNICATION BETWEEN THE CHILD AND A FAMILY MEMBER OR ANY THIRD PARTY, WHERE THE PARENT OR LEGAL GUARDIAN SUSPECTS THAT THE CHILD IS INVOLVED IN AN ILLEGAL SEXUAL RELATIONSHIP OR THE SUBJECT OF AN ATTEMPTED LURING, AND THE BASIS FOR INTERCEPTING SUCH COMMUNICATION IS MOTIVATED BY GOOD FAITH CONCERN BY THE PARENT OR LEGAL GUARDIAN FOR THE CHILD'S WELFARE AND/OR SAFETY.

Eavesdropping is a class E felony.

S 2. This act shall take effect on the ninetieth 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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