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I N   A S S E M B L Y

(PREFILED)

January 6, 2010

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Introduced by M. of A. GABRYSZAK, PAULIN, FIELDS, BENEDETTO, KOON,  
GALEF, BENJAMIN, ALFANO -- Multi-Sponsored by -- M. of A. BARRA, PHEF-  
FER -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to creating the crime of  
tampering with electronic monitoring equipment

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

1     Section 1. The penal law is amended by adding a new section 145.80 to  
2 read as follows:  
3     S 145.80 TAMPERING WITH ELECTRONIC MONITORING EQUIPMENT.  
4     1. FOR PURPOSES OF THIS SECTION, "ELECTRONIC MONITORING EQUIPMENT"  
5 MEANS AN INSTRUMENT OR DEVICE UTILIZED IN ACCORDANCE WITH SUBDIVISION  
6 FOUR OF SECTION 65.10 OF THIS CHAPTER.  
7     2. A PERSON IS GUILTY OF TAMPERING WITH ELECTRONIC MONITORING EQUIP-  
8 MENT WHEN, HAVING NO RIGHT TO DO SO NOR ANY REASONABLE GROUND TO BELIEVE  
9 THAT HE OR SHE HAS SUCH RIGHT, HE OR SHE TAMPERS WITH ELECTRONIC MONI-  
10 TORING EQUIPMENT, OR DAMAGES OR OTHERWISE ALTERS SUCH ELECTRONIC MONI-  
11 TORING EQUIPMENT IN AN EFFORT TO INTERFERE WITH ANY SIGNAL, IMPULSE OR  
12 DATA BEING TRANSMITTED BY SUCH ELECTRONIC MONITORING EQUIPMENT.  
13 TAMPERING WITH ELECTRONIC MONITORING EQUIPMENT IS A CLASS A MISDEMEA-  
14 NOR.  
15     S 2. This act shall take effect on the first of November next succeed-  
16 ing 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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