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

2397

2009-2010 Regular Sessions

I N S E N A T E

February 19, 2009

Introduced by Sen. NOZZOLIO -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the penal law, in relation to adding by means of computer network to 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:

Section 1. Section 240.00 of the penal law is amended by adding a new subdivision 7 to read as follows:

7. "COMPUTER NETWORK" MEANS (A) A SET OF RELATED DEVICES CONNECTED TO A COMPUTER COMMUNICATIONS FACILITY, OR (B) A COMPLEX OF TWO OR MORE COMPUTERS, INCLUDING RELATED DEVICES, CONNECTED BY COMMUNICATED FACILITIES.

S 2. Section 240.30 of the penal law, as amended by chapter 510 of the laws of 2008, is amended to read as follows:

S 240.30 Aggravated harassment in the second degree.

A person is guilty of aggravated harassment in the second degree when, with intent to harass, annoy, threaten or alarm another person, he or she:

1. Either (a) communicates with a person, anonymously or otherwise, by telephone, by telegraph, or by mail, or by transmitting or delivering any other form of written communication, in a manner likely to cause annoyance or alarm; or

(b) causes a communication to be initiated by mechanical or electronic means OR COMPUTER NETWORK or otherwise with a person, anonymously or otherwise, by telephone, by telegraph, or by mail, or by transmitting or delivering any other form of written communication, in a manner likely to cause annoyance or alarm; or

2. Makes a telephone call, whether or not a conversation ensues, with no purpose of legitimate communication; or

3. Strikes, shoves, kicks, or otherwise subjects another person to physical contact, or attempts or threatens to do the same because of a

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

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belief or perception regarding such person's race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation, regardless of whether the belief or perception is correct; or

4. Commits the crime of harassment in the first degree and has previously been convicted of the crime of harassment in the first degree as defined by section 240.25 of this article within the preceding ten years.

5. For the purposes of subdivision one of this section, "form of written communication" shall include, but not be limited to, a recording as defined in subdivision six of section 275.00 of this part.

Aggravated harassment in the second degree is a class A misdemeanor.

S 3. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.