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

4818

2009-2010 Regular Sessions

I N S E N A T E

April 27, 2009

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

AN ACT to amend the criminal procedure law, in relation to requiring the issuance of a warrant for the use of electronic tracking devices

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

Section 1. Subdivision 1 of section 700.05 of the criminal procedure law, as amended by chapter 744 of the laws of 1988, is amended to read as follows:

1. "Eavesdropping" means "wiretapping", "mechanical overhearing of conversation[,"] ", [or the] "intercepting or accessing of an electronic communication", as those terms are defined in section 250.00 of the penal law, OR THE USE OF AN ELECTRONIC TRACKING DEVICE, but does not include the use of a pen register or trap and trace device when authorized pursuant to article 705 of this chapter.

S 2. Section 700.05 of the criminal procedure law is amended by adding a new subdivision 1-a to read as follows:

1-A. "ELECTRONIC TRACKING DEVICE" MEANS AN ELECTRONIC OR MECHANICAL DEVICE WHICH PERMITS THE TRACKING OF THE MOVEMENT OF A PERSON OR THING BY MEANS OF A GLOBAL POSITIONING SYSTEM OR BY ANY OTHER MEANS.

S 3. This act shall take effect on the thirtieth 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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