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I N   S E N A T E

February 2, 2010

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Introduced by Sen. ADDABBO -- 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 including the use of a governmental agency to harass a person within 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:

1     Section 1. Subdivisions 3, 4 and 5 of section 240.30 of the penal law,  
2     subdivisions 3 and 4 as amended and subdivision 5 as added by chapter  
3     510 of the laws of 2008, are amended to read as follows:  
4     3. Strikes, shoves, kicks, or otherwise subjects another person to  
5     physical contact, or attempts or threatens to do the same because of a  
6     belief or perception regarding such person's race, color, national  
7     origin, ancestry, gender, religion, religious practice, age, disability  
8     or sexual orientation, regardless of whether the belief or perception is  
9     correct; [or]  
10    4. Commits the crime of harassment in the first degree and has previ-  
11    ously been convicted of the crime of harassment in the first degree as  
12    defined by section 240.25 of this article within the preceding ten  
13    years[.]; OR  
14    5. USES A GOVERNMENTAL AGENCY OF THE STATE OR OF ANY POLITICAL SUBDI-  
15    VISION OF THE STATE TO HARASS ANOTHER PERSON BY USING INFORMATION  
16    OBTAINED FROM OR PERSONNEL EMPLOYED BY SUCH GOVERNMENTAL AGENCY IN A  
17    MANNER LIKELY TO CAUSE ANNOYANCE OR ALARM TO SUCH OTHER PERSON.  
18    6. For the purposes of subdivision one of this section, "form of writ-  
19    ten communication" shall include, but not be limited to, a recording as  
20    defined in subdivision six of section 275.00 of this part.  
21    S 2. This act shall take effect on the first of November next succeed-  
22    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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