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I N S E N A T E

February 2, 2010

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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