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

10708--B

I N A S S E M B L Y

April 16, 2010

Introduced by M. of A. M. MILLER, WEISENBERG, COLTON, STIRPE, CASTRO, SCARBOROUGH, BURLING -- Multi-Sponsored by -- M. of A. BACALLES, BARCLAY, CHRISTENSEN, CROUCH, HOOPER, KOON, McENENY, PHEFFER, TOWNSEND -- read once and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

Section 1. Subdivisions 3, 4 and 5 of section 240.30 of the penal law, subdivisions 3 and 4 as amended and subdivision 5 as added by chapter 510 of the laws of 2008, are amended to read as follows:

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

5. EITHER (A) UNLAWFULLY DISCLOSES CONFIDENTIAL INFORMATION CONCERNING THE PERSON HE OR SHE INTENDS TO HARASS, ANNOY, THREATEN, OR ALARM WHICH HE OR SHE OBTAINED FROM A GOVERNMENT AGENCY OR ANY POLITICAL SUBDIVISION OF THE STATE OR MUNICIPALITY, IN A MANNER LIKELY TO CAUSE ANNOYANCE OR ALARM; OR (B) UNLAWFULLY CAUSES PERSONNEL EMPLOYED BY A GOVERNMENTAL AGENCY OR ANY POLITICAL SUBDIVISION OF THE STATE OR MUNICIPALITY TO CONTACT OR INTERACT WITH THE PERSON HE OR SHE INTENDS TO HARASS, ANNOY, THREATEN, OR ALARM IN AN OFFICIAL CAPACITY, IN A MANNER LIKELY TO CAUSE ANNOYANCE OR ALARM.

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

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6. 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.

S 2. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.