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

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2009-2010 Regular Sessions

I N A S S E M B L Y

January 21, 2009

Introduced by M. of A. MARKEY, PHEFFER, MAISEL, GALEF -- Multi-Sponsored by -- M. of A. CHRISTENSEN, GABRYSZAK, JOHN, KOON, LATIMER, MAYERSOHN, TOWNS, WEISENBERG -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to mailing a false substance

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

Section 1. The penal law is amended by adding a new section 240.64 to read as follows:

S 240.64 MAILING A FALSE SUBSTANCE IN THE FIRST DEGREE.

A PERSON IS GUILTY OF MAILING A FALSE SUBSTANCE IN THE FIRST DEGREE WHEN HE OR SHE CAUSES A COMMUNICATION TO BE INITIATED BY A MAILING OR ANY OTHER FORM OF WRITTEN COMMUNICATION IN A MANNER TO CAUSE ANNOYANCE, INCONVENIENCE OR ALARM BY PLACING IN SAID COMMUNICATION ANY SUBSTANCE WHICH APPEARS TO BE BY ITS CONTENT, APPEARANCE AND CHARACTERISTIC TO BE OF A BIO-CHEMICAL NATURE AND DANGEROUS OR HAZARDOUS TO THE WELL-BEING AND HEALTH OF A PERSON BUT IS, IN FACT AN INOPERATIVE FACSIMILE OR IMITATION OF A BIO-CHEMICAL SUBSTANCE AND IS NOT DANGEROUS OR HAZARDOUS TO THE HEALTH AND WELL-BEING OF ANY PERSON.

MAILING A FALSE SUBSTANCE IN THE FIRST DEGREE IS A CLASS E FELONY.

S 2. This act shall take effect on the first of November next succeeding 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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