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

3448

2009-2010 Regular Sessions

I N A S S E M B L Y

January 27, 2009

Introduced by M. of A. EDDINGTON, ENGLEBRIGHT, MILLMAN, GALEF, CLARK, CHRISTENSEN, COOK, GIANARIS, HIKIND, ALFANO, GABRYSZAK -- Multi-Sponsored by -- M. of A. BARRA, JOHN, KOON, McDONOUGH, ORTIZ, PEOPLES, ROBINSON, TOWNS, WEISENBERG -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to prohibiting stalking by technological means

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

Section 1. Section 120.40 of the penal law is amended by adding a new subdivision 6 to read as follows:

6. "TECHNOLOGICAL MEANS" MEANS AND SHALL INCLUDE, BUT SHALL NOT BE LIMITED TO, ILLEGAL WIRETAPPING, CELL PHONES, CALLER IDENTIFICATION, THE INTERNET, CAMERAS, GLOBAL POSITIONING SYSTEM AND ANY OTHER TYPE OF TRACKING DEVICE.

S 2. Subdivision 4 of section 120.50 of the penal law, as added by chapter 635 of the laws of 1999, is amended and a new subdivision 5 is added to read as follows:

4. Commits the crime of stalking in the fourth degree and has previously been convicted within the preceding ten years of stalking in the fourth degree[.]; OR

5. COMMITS THE CRIME OF STALKING IN THE FOURTH DEGREE IN VIOLATION OF SECTION 120.45 OF THIS ARTICLE, AND UTILIZES ANY TECHNOLOGICAL MEANS, WHETHER ELECTRONIC OR OTHER, IN FURTHERANCE OF SUCH CRIME.

S 3. Subdivision 5 of section 120.55 of the penal law, as added by chapter 598 of the laws of 2003, is amended and a new subdivision 6 is added to read as follows:

5. Commits the crime of stalking in the third degree, as defined in subdivision three of section 120.50 of this article, against ten or more persons, in ten or more separate transactions, for which the actor has not been previously convicted[.]; OR

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

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6. COMMITS THE CRIME OF STALKING IN THE THIRD DEGREE AS DEFINED IN SUBDIVISIONS ONE, TWO, THREE AND FOUR OF SECTION 120.50 OF THIS ARTICLE AND UTILIZES ANY TECHNOLOGICAL MEANS, WHETHER ELECTRONIC OR OTHER, IN FURTHERANCE OF SUCH CRIME.

S 4. Subdivision 2 of section 120.60 of the penal law, as amended by chapter 434 of the laws of 2000, is amended and a new subdivision 3 is added to read as follows:

2. commits a class A misdemeanor defined in article one hundred thirty of this chapter, or a class E felony defined in section 130.25, 130.40 or 130.85 of this chapter, or a class D felony defined in section 130.30 or 130.45 of this chapter[.]; OR

3. COMMITS THE CRIME OF STALKING IN THE SECOND DEGREE, AS DEFINED IN SUBDIVISIONS ONE, TWO, THREE, AND FOUR OF SECTION 120.55 OF THIS ARTICLE AND UTILIZES ANY TECHNOLOGICAL MEANS, WHETHER ELECTRONIC OR OTHER, IN FURTHERANCE OF SUCH CRIME.

S 5. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.