

3511

2009-2010 Regular Sessions

I N A S S E M B L Y

January 27, 2009

Introduced by M. of A. GIANARIS, P. RIVERA -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to expanding the definition of dangerous contraband to include telecommunications and electronic recording devices

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

1 Section 1. Subdivision 4 of section 205.00 of the penal law is amended
2 to read as follows:
3 4. "Dangerous contraband" means contraband which is capable of such
4 use as may endanger the safety or security of a detention facility or
5 any person therein, WHICH SHALL INCLUDE, BUT NOT BE LIMITED TO, A TELE-
6 COMMUNICATIONS OR ELECTRONIC RECORDING DEVICE. FOR PURPOSES OF THIS
7 SUBDIVISION, A "TELECOMMUNICATIONS OR ELECTRONIC RECORDING DEVICE" MEANS
8 ANY TYPE OF INSTRUMENT, DEVICE, MACHINE OR EQUIPMENT THAT IS DESIGNED TO
9 TRANSMIT AND/OR RECEIVE TELEPHONIC, ELECTRONIC, DIGITAL, CELLULAR OR
10 RADIO SIGNALS OR COMMUNICATIONS OR ANY PART OF SUCH INSTRUMENT, DEVICE,
11 MACHINE OR EQUIPMENT, AS WELL AS ANY TYPE OF INSTRUMENT DESIGNED TO HAVE
12 SOUND OR IMAGE RECORDING ABILITIES AND SHALL INCLUDE, BUT NOT BE LIMITED
13 TO, A CELLULAR OR DIGITAL PHONE, A PAGER, A TWO-WAY RADIO TEXT MESSAGING
14 OR MODEM DEVICE (INCLUDING MODEM EQUIPMENT DEVICES), A CAMERA, A VIDEO
15 RECORDER AND TAPE OR DIGITAL RECORDING DEVICES, OR ANY OTHER DEVICE THAT
16 HAS SAID CAPABILITIES.
17 S 2. This act shall take effect on the ninetieth day after it shall
18 have become a law.

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

LBD00664-01-9