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

April 6, 2009

Introduced by M. of A. TOWNSEND, ERRIGO, FIELDS, GABRYSZAK, KOLB, McKEVITT -- Multi-Sponsored by -- M. of A. BARCLAY, BURLING, DUPREY, FINCH, GIGLIO, HAWLEY, HYER-SPENCER, JORDAN, SCOZZAFAVA, WALKER, WEISENBERG -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to prohibiting stalking by the use of technological devices

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 DEVICES" MEANS THE INTERNET, CAMERAS, GLOBAL POSITIONING TRACKING DEVICES AND ANY OTHER TRACKING DEVICE, BUT SHALL NOT BE LIMITED TO SUCH ITEMS.

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 BY THE USE OF A TECHNOLOGICAL DEVICE OR TECHNOLOGICAL DEVICES.

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

6. COMMITS THE CRIME OF STALKING IN THE THIRD DEGREE BY THE USE OF A TECHNOLOGICAL DEVICE OR TECHNOLOGICAL DEVICES.

S 4. 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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