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

956

2009-2010 Regular Sessions

I N S E N A T E

January 22, 2009

Introduced by Sens. C. JOHNSON, AUBERTINE, DIAZ, ONORATO, SAMPSON, STACHOWSKI, VALESKY -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the penal law, in relation to making a false bomb threat in or upon a school

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 MAKING A FALSE BOMB THREAT IN OR UPON A SCHOOL.

1. A PERSON IS GUILTY OF MAKING A FALSE BOMB THREAT IN OR UPON A SCHOOL WHEN HE OR SHE COMMUNICATES, OR CAUSES COMMUNICATION, TO A SCHOOL, ANY THREAT, NOTICE OR INFORMATION, WHICH BY ITS CHARACTERISTICS APPEARS TO BE A BOMB THREAT, BUT IS, IN FACT, A FALSE BOMB THREAT AND WHICH HE OR SHE KNOWS, INTENDS OR REASONABLY BELIEVES WILL APPEAR TO BE A BOMB THREAT UNDER CIRCUMSTANCES IN WHICH IT IS LIKELY TO CAUSE ALARM OR INCONVENIENCE TO THE SCHOOL. MAKING A FALSE BOMB THREAT IN OR UPON A SCHOOL IS A CLASS A MISDEMEANOR.

2. A PERSON GUILTY OF MAKING A FALSE BOMB THREAT IN OR UPON A SCHOOL AND WHO HAS BEEN PREVIOUSLY CONVICTED OF A CRIME OF MAKING A FALSE BOMB THREAT IN OR UPON A SCHOOL, AS PRESCRIBED IN SUBDIVISION ONE OF THIS SECTION, IS GUILTY OF A CLASS E FELONY.

3. FOR PURPOSES OF THIS SECTION THE TERM "SCHOOL" SHALL INCLUDE, ANY PUBLIC OR PRIVATE ELEMENTARY OR SECONDARY SCHOOL OR COLLEGE, AS DEFINED IN SECTION TWO OF THE EDUCATION LAW, AND THE TERM "COMMUNICATION" SHALL INCLUDE, BUT IS NOT LIMITED TO ANY WRITTEN, ELECTRONIC, TELEPHONIC OR SPOKEN COMMUNICATION.

S 2. This act shall take effect on the ninetieth day after 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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