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2011-2012 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 5, 2011

Introduced by M. of A. ORTIZ, TOBACCO, GALEF, SCHIMEL, GABRYSZAK, MAISEL, ENGLEBRIGHT, BOYLAND, J. RIVERA, CASTRO, HOOPER, JAFFEE, SPANO, M. MILLER, N. RIVERA -- Multi-Sponsored by -- M. of A. HEASTIE, MARKEY, MAYERSOHN, McDONOUGH, MILLMAN, PERRY, PHEFFER, ROBINSON, SCARBOROUGH, SWEENEY, WEISENBERG -- read once and referred to the Committee on Codes

AN ACT to amend the criminal procedure law, in relation to requiring certain individuals to wear electronic monitoring devices

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

1 Section 1. The criminal procedure law is amended by adding a new
2 section 530.15 to read as follows:
3 S 530.15 WEARING OF ELECTRONIC TAGGING DEVICES.
4 1. ANY PERSON AGAINST WHOM AN ORDER OF PROTECTION IS ISSUED PURSUANT
5 TO THIS ARTICLE SHALL BE REQUIRED TO WEAR AN ELECTRONIC MONITORING
6 DEVICE. FOR PURPOSES OF THIS SECTION, "ELECTRONIC MONITORING DEVICE"
7 MEANS A DEVICE, WORN BY AN INDIVIDUAL, THAT TRANSMITS A SIGNAL AND
8 ENABLES ANOTHER PERSON OR ENTITY TO MONITOR, TRACK AND/OR PINPOINT THE
9 LOCATION OF THE INDIVIDUAL WEARING THE DEVICE THROUGH THE RECEPTION OF
10 THAT SIGNAL.
11 2. AN INDIVIDUAL MAY NOT TAMPER WITH HIS OR HER ELECTRONIC MONITORING
12 DEVICE IN ANY WAY, NOR MAY THEY ALLOW ANOTHER PERSON TO TAMPER WITH SUCH
13 DEVICE. ANY PERSON WHO TAMPERS WITH AN ELECTRONIC MONITORING DEVICE
14 SHALL BE GUILTY OF A CLASS E FELONY.
15 S 2. This act shall take effect immediately and shall apply to any
16 person against whom an order of protection has been issued on or after
17 the effective date of this act.

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

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LBD02727-01-1