

1510

2011-2012 Regular Sessions

I N A S S E M B L Y

January 10, 2011

Introduced by M. of A. TEDISCO, McDONOUGH -- Multi-Sponsored by -- M. of  
A. CONTE, HAWLEY, KOLB -- read once and referred to the Committee on  
Codes

AN ACT to amend the penal law, in relation to creating the crime of  
aggravated harassment of a family member of a person in active mili-  
tary service

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

1 Section 1. The penal law is amended by adding a new section 240.33 to  
2 read as follows:

3 S 240.33 AGGRAVATED HARASSMENT OF A FAMILY MEMBER OF A PERSON IN ACTIVE  
4 MILITARY SERVICE.

5 1. A PERSON IS GUILTY OF AGGRAVATED HARASSMENT OF A FAMILY MEMBER OF A  
6 PERSON IN ACTIVE MILITARY SERVICE WHEN, WITH INTENT TO HARASS, ANNOY,  
7 THREATEN OR ALARM ANOTHER PERSON, HE OR SHE EITHER:

8 (A) COMMUNICATES WITH A PERSON, WHO AT THE TIME OF THE COMMUNICATION  
9 HAS A FAMILY MEMBER IN ACTIVE MILITARY SERVICE OF THE UNITED STATES, AS  
10 SUCH TERM IS DEFINED IN SECTION ONE OF THE MILITARY LAW, ANONYMOUSLY OR  
11 OTHERWISE, BY TELEPHONE, OR BY TELEGRAPH, MAIL OR ANY OTHER FORM OF  
12 WRITTEN COMMUNICATION, IN A MANNER LIKELY TO CAUSE ANNOYANCE OR ALARM  
13 AND SUCH COMMUNICATION RELATES TO THE MILITARY SERVICE OF SUCH PERSON'S  
14 FAMILY MEMBER; OR

15 (B) CAUSES A COMMUNICATION TO BE INITIATED BY MECHANICAL OR ELECTRONIC  
16 MEANS OR OTHERWISE WITH A PERSON, WHO AT THE TIME OF THE COMMUNICATION  
17 HAS A FAMILY MEMBER IN ACTIVE MILITARY SERVICE OF THE UNITED STATES, AS  
18 SUCH TERM IS DEFINED IN SECTION ONE OF THE MILITARY LAW, ANONYMOUSLY OR  
19 OTHERWISE, BY TELEPHONE, OR BY TELEGRAPH, MAIL OR ANY OTHER FORM OF  
20 WRITTEN COMMUNICATION, IN A MANNER LIKELY TO CAUSE ANNOYANCE OR ALARM  
21 AND SUCH COMMUNICATION RELATES TO THE MILITARY SERVICE OF SUCH PERSON'S  
22 FAMILY MEMBER.

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

LBD02034-01-1

1 2. FOR THE PURPOSES OF THIS SECTION, "FAMILY MEMBER" MEANS THE  
2 HUSBAND, WIFE, SON, DAUGHTER, FATHER OR MOTHER OF A PERSON.

3 AGGRAVATED HARASSMENT OF A FAMILY MEMBER OF A PERSON IN ACTIVE MILI-  
4 TARY SERVICE IS A CLASS E FELONY.

5 S 2. This act shall take effect on the first of November next succeed-  
6 ing the date on which it shall have become a law.