

4068--A

2013-2014 Regular Sessions

I N   A S S E M B L Y

January 30, 2013

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Introduced by M. of A. GABRYSZAK, PAULIN, BENEDETTO, GALEF -- Multi-Sponsored by -- M. of A. McDONOUGH, TITONE -- read once and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the penal law, in relation to creating the crime of tampering with electronic monitoring equipment

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

1     Section 1. The penal law is amended by adding two new sections 145.75  
2     and 145.80 to read as follows:

3     S 145.75 TAMPERING WITH ELECTRONIC MONITORING EQUIPMENT IN THE SECOND  
4     DEGREE.

5     1. FOR PURPOSES OF THIS SECTION, "ELECTRONIC MONITORING EQUIPMENT"  
6     MEANS AN INSTRUMENT OR DEVICE UTILIZED IN ACCORDANCE WITH SUBDIVISION  
7     FOUR OF SECTION 65.10 OF THIS CHAPTER.

8     2. A PERSON IS GUILTY OF TAMPERING WITH ELECTRONIC MONITORING EQUIP-  
9     MENT IN THE SECOND DEGREE WHEN, HAVING NO RIGHT TO DO SO NOR ANY REASON-  
10    ABLE GROUND TO BELIEVE THAT HE OR SHE HAS SUCH RIGHT, HE OR SHE TAMPERS  
11    WITH ELECTRONIC MONITORING EQUIPMENT, OR DAMAGES OR OTHERWISE ALTERS  
12    SUCH ELECTRONIC MONITORING EQUIPMENT IN AN EFFORT TO INTERFERE WITH ANY  
13    SIGNAL, IMPULSE OR DATA BEING TRANSMITTED BY SUCH ELECTRONIC MONITORING  
14    EQUIPMENT.

15    TAMPERING WITH ELECTRONIC MONITORING EQUIPMENT IN THE SECOND DEGREE IS  
16    A CLASS A MISDEMEANOR.

17    S 145.80 TAMPERING WITH ELECTRONIC MONITORING EQUIPMENT IN THE FIRST  
18    DEGREE.

19    1. A PERSON IS GUILTY OF TAMPERING WITH ELECTRONIC MONITORING EQUIP-  
20    MENT IN THE FIRST DEGREE WHEN, AS PART OF COMMITTING TAMPERING WITH  
21    ELECTRONIC MONITORING EQUIPMENT IN THE SECOND DEGREE AS DEFINED IN  
22    SECTION 145.75 OF THIS ARTICLE, THE PERSON ALSO COMMITS A CRIME THAT IS  
23    CLASSIFIED AS A CLASS A OR CLASS B FELONY.

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

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1       2. WHEN A PERSON IS CONVICTED OF TAMPERING WITH ELECTRONIC MONITORING  
2 EQUIPMENT IN THE FIRST DEGREE, THE COURT SHALL IMPOSE A SENTENCE FOR  
3 THIS CRIME TO RUN CONSECUTIVE TO ANY SENTENCE IMPOSED FOR A CONVICTION  
4 FOR THE CLASS A OR CLASS B FELONY THAT WAS ALSO COMMITTED.

5       TAMPERING WITH ELECTRONIC MONITORING EQUIPMENT IN THE FIRST DEGREE IS  
6 A CLASS E FELONY.

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