

7720--B

2013-2014 Regular Sessions

I N   A S S E M B L Y

May 31, 2013

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Introduced by M. of A. PEOPLES-STOKES -- read once and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Codes in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the penal law, in relation to stalking in the fourth degree

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

1     Section 1. Section 120.45 of the penal law, as added by chapter 635 of  
2     the laws of 1999, is amended to read as follows:  
3     S 120.45 Stalking in the fourth degree.  
4     A person is guilty of stalking in the fourth degree when he or she  
5     intentionally, and for no legitimate purpose, engages in a course of  
6     conduct directed at a specific person, and knows or reasonably should  
7     know that such conduct:  
8     1. is likely to cause reasonable fear of material harm to the physical  
9     health, safety or property of such person, a member of such person's  
10    immediate family or a third party with whom such person is acquainted;  
11    or  
12    2. causes material harm to the mental or emotional health of such  
13    person, where such conduct consists of following, telephoning or initi-  
14    ating communication or contact with such person, a member of such  
15    person's immediate family or a third party with whom such person is  
16    acquainted, and the actor was previously clearly informed to cease that  
17    conduct; or  
18    3. is likely to cause such person to reasonably fear that his or her  
19    employment, business or career is threatened, where such conduct  
20    consists of appearing, telephoning or initiating communication or

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

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1 contact at such person's place of employment or business, and the actor  
2 was previously clearly informed to cease that conduct.

3 FOR THE PURPOSES OF SUBDIVISION TWO OF THIS SECTION, "FOLLOWING" SHALL  
4 INCLUDE THE UNAUTHORIZED TRACKING OF SUCH PERSON'S MOVEMENTS OR LOCATION  
5 THROUGH THE USE OF A GLOBAL POSITIONING SYSTEM OR OTHER DEVICE.

6 Stalking in the fourth degree is a class B misdemeanor.

7 S 2. This act shall take effect on the ninetieth day after it shall  
8 have become a law.