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

9510

I N A S S E M B L Y

May 5, 2014

Introduced by M. of A. MAGNARELLI -- read once and referred to the Committee on Codes

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:

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

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

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

2. A PERSON IS GUILTY OF TAMPERING WITH ELECTRONIC MONITORING EQUIPMENT IN THE SECOND DEGREE WHEN, HAVING NO RIGHT TO DO SO NOR ANY REASONABLE GROUND TO BELIEVE THAT HE OR SHE HAS SUCH RIGHT, HE OR SHE TAMPERS WITH ELECTRONIC MONITORING EQUIPMENT, OR DAMAGES OR OTHERWISE ALTERS SUCH ELECTRONIC MONITORING EQUIPMENT IN AN EFFORT TO INTERFERE WITH ANY SIGNAL, IMPULSE OR DATA BEING TRANSMITTED BY SUCH ELECTRONIC MONITORING EQUIPMENT.

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

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

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

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

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

LBD08055-04-4

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

S 2. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.