

4187--C

2013-2014 Regular Sessions

I N   S E N A T E

March 13, 2013

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Introduced by Sens. KENNEDY, BALL, BRESLIN, ESPAILLAT, FLANAGAN, GRISANTTI, KRUEGER, MAZIARZ, NOZZOLIO, PARKER, TKACZYK -- read twice and ordered printed, and when printed to be committed to the Committee on Codes -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading -- again amended and ordered reprinted, retaining its place in the order of third reading -- recommitted to the Committee on Codes in accordance with Senate Rule 6, sec. 8 -- 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 initiating communication or contact with such person, a member of such person's immediate family or a third party with whom such person is acquainted, and the actor was previously clearly informed to cease that  
14    conduct; or  
15    conduct; or  
16    conduct; or  
17    conduct; or

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

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1     3. is likely to cause such person to reasonably fear that his or her  
2 employment, business or career is threatened, where such conduct  
3 consists of appearing, telephoning or initiating communication or  
4 contact at such person's place of employment or business, and the actor  
5 was previously clearly informed to cease that conduct.  
6     FOR THE PURPOSES OF SUBDIVISION TWO OF THIS SECTION, "FOLLOWING" SHALL  
7 INCLUDE THE UNAUTHORIZED TRACKING OF SUCH PERSON'S MOVEMENTS OR LOCATION  
8 THROUGH THE USE OF A GLOBAL POSITIONING SYSTEM OR OTHER DEVICE.  
9     Stalking in the fourth degree is a class B misdemeanor.  
10    S 2. This act shall take effect on the ninetieth day after it shall  
11 have become a law.